

Representative Hall, Atlanta, Georgia**Thursday, March 9, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Cummings	Holt	May	Sailor
Amerson	Davis	Horne	McCall	Scheid
Ashe	Dean	Houston	E McClinton	Scott, A
Barnard	Dickson	Howard, E	Meadows	E Scott, M
Bearden	Dodson	Hudson	E Millar	Shaw
Beasley-Teague	Drenner	Hugley	Mills	Sheldon
Benton	Dukes	Jacobs	Morgan	Sims, C
Black	Ehrhart	James	Morris	Sims, F
Bordeaux	England	Jamieson	Mosley	Smith, B
Borders	E Epps	Jenkins	Mumford	Smith, L
Bridges	Everson	Jennings	Murphy, J	Smith, P
Brooks	Fleming	Johnson	Murphy, Q	Smith, T
Brown	Floyd, H	Jones, S	Oliver	Smith, V
Bruce	Floyd, J	Jordan	O'Neal	Stanley-Turner
Bryant	Fludd	Keen	Orrock	Talton
Buckner, D	Forster	Keown	Parham	Teilhet
Burmeister	Franklin	Kidd	Parrish	Thomas, A.M
Burns	Freeman	Knight	Parsons	Thomas, B
Butler	Gardner	Lakly	Powell	Tumlin
Byrd	Geisinger	Lane, B	Ralston	Warren
Carter	Graves, T	Lane, R	Randall	Watson
Casas	Greene	Lewis	Ray	Wilkinson
Chambers	Hanner	Lindsey	Reece, S	Williams, A
Channell	Harbin	Lord	Reese	Williams, E
Cheokas	Hatfield	Loudermilk	Roberts	Williams, R
Cole	Heard, J	Maddox	Rogers	Wix
Coleman, B	Henson	Marin	Royal	Yates
Cox	Hill, C	Martin	Rynders	Richardson,
Crawford	Holmes	Maxwell		Speaker

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 123rd, Barnes of the 78th, Benfield of the 85th, Burkhalter of the 50th, Dollar of the 45th, Golick of the 34th, Graves of the 137th, Hembree of the 67th, Hill of the 180th, Knox of the 24th, Lucas of the 139th, Lunsford of the 110th, Manning of the 32nd, Mosby of the 90th, Porter of the 143rd, Rice of the 51st, Setzler of the 35th, Smith of the 131st, and Stephenson of the 92nd.

They wish to be recorded as present.

Prayer was offered by the Reverend Ken Hall, Lilburn Baptist Church, Lilburn, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1583. By Representative Sims of the 169th:

A BILL to be entitled an Act to provide for the employment of marshals in Coffee County; to provide for the appointment, duties, and term of such marshals; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1584. By Representatives Smith of the 113th and Holt of the 112th:

A BILL to be entitled an Act to create the Morgan County Building

Authority; to provide for a short title and legislative findings; to confer powers and impose duties on the authority; to provide for the membership and the appointment of members of the authority and their terms of office, qualifications, duties, powers, and compensation; to provide for vacancies, organization, meetings, and expenses; to provide for definitions; to provide for revenue bonds and their negotiability, sale, and use of proceeds from such sales; to provide for conditions for issuance; to prohibit the pledge of credit for the payment of bonds; to provide for trust indentures and a sinking fund; to provide for payment of bond proceeds; to provide for liberal construction; to provide for severability; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1585. By Representatives Lane of the 167th, Keen of the 179th and Hill of the 180th:

A BILL to be entitled an Act to create the Brunswick-Glynn County Joint Water and Sewer Commission; to provide a short title; to define certain terms; to provide for membership, appointment, terms, cooperation, quorums, and officers of the commission; to provide for a director; to provide for purposes; to provide for powers; to provide for ordinance proposals; to provide for tax exemption; to provide for construction; to provide for cumulative nature of powers; to provide an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1586. By Representatives Keen of the 179th, Lane of the 167th and Hill of the 180th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Brunswick, approved April 4, 1991 (Ga. L. 1991, p. 3911), as amended, so as to change certain provisions relating to nomination of candidates; to provide for submission for preclearance under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1587. By Representatives Smith of the 113th, Burmeister of the 119th and Smith of the 131st:

A BILL to be entitled an Act to amend Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public meetings, so as to change certain provisions relating to meetings to be open to public, limitation on action to contest agency action, recording, notice of time and place, access to minutes, and telecommunications conferences; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1588. By Representative Crawford of the 127th:

A BILL to be entitled an Act to amend Title 44 of the O.C.G.A., relating to property, so as to clarify the scope of the provisions applicable to the acquisition of title to land by adverse possession, the acquisition of easements and private ways through prescription, and the acquisition of land by railroad corporations or railroad companies; to exclude property of a railroad corporation or railroad company from the type of property by which these methods of acquiring property are applicable; to provide for legislative findings and purpose; to provide for statutory construction; to amend Article 2 of Chapter 4 of Title 24 of the O.C.G.A., relating to presumptions and estoppel, so as to provide that occupancy of a railroad right of way is by permission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1589. By Representative Jones of the 46th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the State Transportation Board, so as to change the terms of members of the board; to provide for a term for the chairperson of the board; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 1591. By Representatives Hill of the 21st, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to authorize the City of Ball Ground to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to

provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1592. By Representatives Drenner of the 86th, Orrock of the 58th, Ashe of the 56th, Watson of the 91st, Mosby of the 90th and others:

A BILL to be entitled an Act to amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation of municipal corporations, so as to require for referendum approval of new incorporations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1593. By Representatives Drenner of the 86th, Porter of the 143rd, Benfield of the 85th, Buckner of the 130th and Henson of the 87th:

A BILL to be entitled an Act to amend Title 46 of the O.C.G.A., relating to public utilities, so as to provide for voluntary portfolio standard goals for renewable energy; to provide for legislative intent and purpose; to provide for definitions; to provide for reports, incentives, penalties, and rules and regulations; to provide for a renewable energy credits trading program; to provide for a registry of producers of renewable energy in this state; to provide for credits for landfill gas or other renewable energy in the form of gas supplied by a producer of renewable energy and sold to a customer or gas distribution system; to amend Code Section 50-23-4 of the O.C.G.A., relating to definitions concerning the Georgia Environmental Facilities Authority, so as to include in the definition of "project" renewable energy facilities such that the Georgia Environmental Facilities Authority may issue bonds to finance such projects; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HB 1594. By Representatives Greene of the 149th and Hanner of the 148th:

A BILL to be entitled an Act to create the Lower Chattahoochee Regional Airport Authority; to provide for a short title and legislative findings; to confer powers and impose duties on the authority; to provide for the membership and the appointment of members of the authority and their terms of office, qualifications, duties, powers, and compensation; to provide for

vacancies, organization, meetings, and expenses; to prohibit authority employees and members from having certain interests; to provide for definitions; to provide for succession in interest to the Cuthbert-Randolph Airport Authority; to provide for revenue bonds and their form, signatures thereon, negotiability, sale, and use of proceeds from such sales; to provide for interim documents and for lost or mutilated documents; to provide for condition for issuance; to prohibit the pledge of credit for the payment of bonds; to provide for trust indentures and sinking fund; to provide for an effective date; to repeal a certain Act; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1595. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures, so as to provide for hearings to be conducted prior to imposing a moratorium on rezoning decisions or on the issuance of building permits; to provide for hearing procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1596. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to state properties, so as to change provisions relating to administrative space management; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

HB 1597. By Representatives Anderson of the 123rd, Lord of the 142nd and Burns of the 157th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education of Burke County, approved March 27, 1985 (Ga. L. 1985, p. 4481), as amended, particularly by an Act approved April 6, 1996 (Ga. L. 1996, p. 3944), so as to change certain provisions regarding the compensation and expense allowance of the members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1598. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions concerning state, county, and municipal road systems, so as to not require the Department of Transportation to require turn lanes based on daily turning volume; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 1599. By Representatives Ashe of the 56th and Thomas of the 55th:

A BILL to be entitled an Act to amend Code Section 20-1A-10 of the Official Code of Georgia Annotated, relating to licensing, commission, and registration of early care and education programs, so as to provide for a five-star rating system of early care and education programs; to provide for certification of excellence of early care and education programs in specific areas of service; to provide for rules and regulations; to provide for notation of any certification on the program's license, registration, or commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HR 1695. By Representatives Drenner of the 86th, Henson of the 87th, Gardner of the 57th, Watson of the 91st, Benfield of the 85th and others:

A RESOLUTION commending DeKalb County, its commissioners, and citizens for adopting and implementing a 75 foot stream buffer protection as part of the environmental protection section of DeKalb County's Land Development Ordinance; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HR 1696. By Representatives Chambers of the 81st and Jacobs of the 80th:

A RESOLUTION expressing support for the process of the City of Chamblee's proposal for annexation of neighboring communities; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HR 1697. By Representatives Chambers of the 81st and Jacobs of the 80th:

A RESOLUTION expressing support for the process of the City of Doraville's proposal for annexation of neighboring communities; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HR 1698. By Representatives Ashe of the 56th, Thomas of the 55th, Jones of the 44th, Willard of the 49th, Orrock of the 58th and others:

A RESOLUTION urging the Georgia Municipal Association to assess the need for state legislation to assist municipalities in code enforcement against absentee landowners and landlords; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 1700. By Representatives Stephens of the 164th, Davis of the 109th, Hill of the 180th and Keen of the 179th:

A RESOLUTION creating the House Study Committee on Cruise Ship Terminals; and for other purposes.

Referred to the Committee on Economic Development & Tourism.

HR 1732. By Representative Manning of the 32nd:

A RESOLUTION creating the House Asthma Strategic Planning Study Committee; and for other purposes.

Referred to the Committee on Health & Human Services.

By unanimous consent, the rules were suspended in order that the following Bills of the House could be introduced, read the first time and referred to the Committees:

HB 1605. By Representative Dean of the 59th:

A BILL to be entitled an Act to amend Chapter 3 of Title 3 of the O.C.G.A., relating to regulation of alcoholic beverages in general, so as to eliminate current provisions relating to local government authorization of certain sales of alcoholic beverages on Sunday; to provide that in any county or municipality in which the sale of alcoholic beverages is lawful for consumption on the premises, the governing authority of the county or

municipality may by ordinance or resolution authorize the sale of alcoholic beverages for consumption on the premises in any licensed establishment during certain hours on Sunday; to provide specific authority with respect to sales on Sunday in special entertainment districts; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 1606. By Representative Dean of the 59th:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to set a minimum amount for the personal needs allowance for Medicaid beneficiaries of nursing homes; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1556	HR 1667
HB 1557	HR 1692
HB 1558	SB 278
HB 1559	SB 299
HB 1560	SB 362
HB 1561	SB 387
HB 1562	SB 500
HB 1568	SB 531
HB 1569	SB 533
HB 1570	SB 534
HB 1571	SB 542
HB 1572	SB 552
HB 1573	SB 553
HB 1574	SB 556
HB 1575	SB 563
HB 1576	SB 569
HB 1577	SB 581
HB 1578	SB 608
HB 1579	SB 609
HB 1580	SB 616
HB 1581	SR 433
HB 1582	SR 434

HB 1590
HR 1666

SR 848
SR 849

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1104 Do Pass, by Substitute
HB 1556 Do Pass, by Substitute

Respectfully submitted,
/s/ Willard of the 49th
Chairman

Representative Ralston of the 7th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1256 Do Pass, by Substitute

Respectfully submitted,
/s/ Ralston of the 7th
Chairman

Representative Williams of the 4th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 910	Do Pass, by Substitute	HB 1391	Do Pass
HB 938	Do Pass, by Substitute	HB 1542	Do Pass
HB 1367	Do Pass		

Respectfully submitted,
/s/ Williams of the 4th
Chairman

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 1341	Do Pass	HB 1531	Do Pass
HB 1519	Do Pass	HB 1532	Do Pass
HB 1521	Do Pass	HB 1533	Do Pass
HB 1522	Do Pass	HB 1534	Do Pass
HB 1523	Do Pass	HB 1544	Do Pass
HB 1524	Do Pass	HB 1545	Do Pass
HB 1525	Do Pass	HB 1554	Do Pass
HB 1526	Do Pass	HB 1555	Do Pass, by Substitute
HB 1527	Do Pass	HB 1566	Do Pass
HB 1529	Do Pass	SB 584	Do Pass
HB 1530	Do Pass		

Respectfully submitted,
/s/ Smith of the 168th
Chairman

Representative Smith of the 129th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1661 Do Pass, by Substitute

Respectfully submitted,
/s/ Smith of the 129th
Chairman

Representative O'Neal of the 146th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following Bills and Resolutions of the House and has instructed me to report the same back to the House with the following recommendations:

HB 230	Do Pass, by Substitute	HB 1416	Do Pass, by Substitute
HB 1254	Do Pass, by Substitute	HR 1339	Do Pass, by Substitute
HB 1281	Do Pass, by Substitute	HR 1634	Do Pass
HB 1323	Do Pass, by Substitute		

Respectfully submitted,
/s/ O'Neal of the 146th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
THURSDAY, MARCH 9, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 29th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 695	Disabled Assistants Act; authorize permits for certain wild animals
HB 1090	Public works; exercise of power to contract by Department of Transportation; amend

Modified Open Rule

HB 1320	Environmental offenses; littering; revise provisions
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Modified Structured Rule

HB 1178 Prescription drugs; unused; medically indigent persons; establish program

Structured Rule

HB 239 Civil practice; settlement offers; litigation costs
HB 841 Sales tax exemption; qualified job training organizations
HB 893 Sales tax; educational purposes; amend certain provisions
HB 1006 Prestige license plates; Breast Cancer; distribution of renewal fees
HB 1030 Excise tax; furnishing of public accommodations; change provisions
HB 1301 Sales and use tax exemption; certain food and groceries; food bank; provide
HR 773 Sales tax for educational purposes; authorization under certain conditions -
CA

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bills of the House and Senate were taken up for consideration and read the third time:

HB 1341. By Representatives Martin of the 47th and Jones of the 46th:

A BILL to be entitled an Act to amend an Act to provide for an additional \$10,000.00 homestead exemption from certain City of Alpharetta ad valorem taxes for municipal purposes, approved April 23, 1999 (Ga. L. 1999, p. 4836), as amended, so as to increase the exemption amount; to provide for a referendum, effective dates, and automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1519. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Dudley, Georgia, in the County of Laurens, approved February 18, 1977 (Ga. L. 1977, p. 2657), as amended, so as to annex certain territory into

the City of Dudley and thereby change the corporate limits of such city; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1521. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Dublin, Georgia, in the County of Laurens, approved April 11, 1979 (Ga. L. 1979, p. 3568), as amended, particularly by an Act approved March 26, 1987 (Ga. L. 1987, p. 4810), an Act approved March 20, 1990 (Ga. L. 1990, p. 4073), and an Act approved October 1, 2001 (Ga. L. Ex. Sess. 2001, p. 665), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1522. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing a charter for the City of East Dublin, approved April 9, 1981 (Ga. L. 1981, p. 4645), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 3769), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1523. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County school district ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or over or disabled; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1524. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County school district ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for residents of that school district who are 62 years of age or over and whose income, excluding certain retirement income, does not exceed \$10,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1525. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County school district ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1526. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide an additional homestead exemption from Stephens County ad valorem taxes for county purposes in the amount of \$25,000.00 of the assessed value of the homestead for residents of that county who are 65 years of age or over or disabled; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1527. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Banks County ad valorem taxes for county purposes in the amount of \$5,000.00 of the assessed value of the homestead for residents of that county who are 62 years of age or over and whose income, excluding certain retirement income, does not exceed \$10,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1529. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide an additional homestead exemption from Stephens County school district ad valorem taxes for educational purposes in the amount of \$25,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or over or disabled; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1530. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County ad valorem taxes for county purposes for residents of that county who are disabled veterans or their unremarried surviving spouses, if deceased, on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1531. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County school district ad valorem taxes for educational purposes for residents of that school district who are unremarried surviving spouses of United States service members killed in action to be received on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1532. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County ad valorem taxes for county purposes for residents of that county who are unremarried surviving spouses of United States service members killed in action to be received on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1533. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Stephens County, approved March 22, 1937 (Ga. L.1937, p. 1415), as amended, so as to reconstitute the board of commissioners as a five-member board; to provide for definitions and inclusions; to provide for continuation in office of certain current board members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for a referendum; to provide for automatic repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1534. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to provide a homestead exemption from Stephens County school district ad valorem taxes for educational purposes for residents of that school district for disabled veterans or their unremarried surviving spouses, if deceased, on a current or subsequent homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1544. By Representatives Mumford of the 95th, Stephenson of the 92nd and Mangham of the 94th:

A BILL to be entitled an Act to provide that the chief magistrate and other magistrates of the Magistrate Court of Rockdale County meet certain qualifications to hold office; to provide that such chief magistrate and other magistrates must have actively practiced law for at least three years in this state immediately before taking office; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1545. By Representatives Beasley-Teague of the 65th and Fludd of the 66th:

A BILL to be entitled an Act to authorize the City of Union City to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1554. By Representative Jenkins of the 8th:

A BILL to be entitled an Act to amend an Act reincorporating the City of Clayton, approved August 17, 1909 (Ga. L. 1909, p. 600), as amended, so as

to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1555. By Representatives Davis of the 109th, Mosby of the 90th and Barnes of the 78th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Stockbridge," approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to provide for council districts; to provide for the election of the mayor and councilmembers; to provide for residency; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend an Act entitled "An Act to provide a new charter for the City of Stockbridge," approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to provide for council districts; to provide for the election of the mayor and councilmembers; to provide for residency; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled "An Act to provide a new charter for the City of Stockbridge," approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, is amended by striking in its entirety Section 2.11 and inserting in lieu thereof the following:

"SECTION 2.11.

- (a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of said city shall be eligible to qualify as voters in the election.
- (b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.
- (c) For purposes of electing members of the commission of the City of Stockbridge, the City of Stockbridge is divided into five council districts. One member of the board

shall be elected from each such district. The mayor shall be elected from the city at large. The five council districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: stockccfinal Plan Type: Local User: Gina Administrator: H109.

(d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Stockbridge which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Stockbridge which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any council district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(e) All persons serving on the council on January 1, 2006, or persons elected or appointed to serve in the event of vacancies shall complete the terms for which they were elected or appointed. Each person giving notice of candidacy for a city council seat shall designate the district for which such candidate is offering. Councilmembers from Districts 1, 2, and 3 shall be elected in 2007 for terms of four years and until their respective successors are elected and qualified. The mayor and councilmembers from Districts 4 and 5 shall be elected in 2009 for terms of four years and until their respective successors are elected and qualified. Thereafter, the mayor and each councilmember shall be elected quadrennially in the year in which the term of the office expires.

(f) In order to be elected or appointed as a member of the board from a council district, a person must have had that person's legal residence in that district at the time of qualifying for election or at the time of appointment for at least 12 months and, if elected, must receive the number of votes cast as required by general law for that office in that district only. Only electors who are residents of that council district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a council district, each candidate for such office shall specify the council district for which that person is a candidate. A person elected or appointed as a member of the board from a council district must continue to reside in that district during that person's term of office or that office shall become vacant."

SECTION 2.

The commission of the City of Stockbridge shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 1566. By Representatives Hill of the 21st, Murphy of the 23rd and Byrd of the 20th:

A BILL to be entitled an Act to amend an Act to supplement the salary of the judge of the Superior Courts of the Blue Ridge Judicial Circuit, approved February 8, 1950 (Ga. L. 1949-50, p. 102), as amended, particularly by an Act approved December 28, 1953 (Ga. L. 1953, Nov.-Dec. Sess., p. 330), an Act approved March 2, 1966 (Ga. L. 1966, p. 119), an Act approved March 22, 1989 (Ga. L. 1989, p. 4192), an Act approved April 10, 1998 (Ga. L. 1998, p. 4447), so as to increase the amount of compensation paid to such judges by the county comprising the Blue Ridge Judicial Circuit; to provide for annual increases in the discretion of the governing authority; to authorize participation by such judges in county retirement, deferred compensation, or similar plans; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 584. By Senators Jones of the 10th, Douglas of the 17th and Starr of the 44th:

A BILL to be entitled an Act to amend an Act creating a State Court of Henry County, approved March 27, 1998 (Ga. L. 1998, p. 3954), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4662), so as to provide an additional judge for the State Court of Henry County; to provide for the appointment of the initial additional judge; to provide for the election of successors; to provide for terms of office of said additional judge and successors to such judge; to provide for the compensation and expenses of said additional judge; to provide for related matters; to repeal conflicting laws; and for other purposes

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Barnard	Y Dean	Y Houston	E McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Mitchell	Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Burkhalter	Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Carter	Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Heard, K	N Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Hembree	Mangham	Rogers	Wix
Cooper	Henson	Y Manning	Royal	Y Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bills, the ayes were 141, nays 1.

The Bills, having received the requisite constitutional majority, were passed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House:

SB 64. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 40-1-7 of the Official Code of Georgia Annotated, relating to the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles, so as to repeal the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 349. By Senators Thomas of the 54th, Thomas of the 2nd, Butler of the 55th, Seay of the 34th and Moody of the 56th:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of students in elementary and secondary education, so as to require that parents and guardians of students are provided with information about meningococcal meningitis and its associated vaccine or vaccines at the beginning of every school year; to provide for the development of sample educational materials by the Department of Human Resources; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 380. By Senators Kemp of the 46th, Hudgens of the 47th, Bulloch of the 11th, Tolleson of the 20th, Cagle of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 2 of the O.C.G.A., relating to agricultural commodity commissions generally, so as to make certain provisions for an agricultural commodity commission for equines; to change certain provisions relating to definitions relative to said article; to change certain provisions relating to composition, appointments, terms of office, and compensation of commodity commission members, certification of membership to the Secretary of State, advisory boards, special committees, personnel, legal representation, eligibility of federation or organization members, acceptance of donations, voting, and termination; to change certain provisions relating to authorization for issuance of marketing orders, notice, public hearing, record, reports from handlers, compilation of

lists of producers and handlers, and use of information in reports; to repeal conflicting laws; and for other purposes.

SB 505. By Senators Balfour of the 9th, Unterman of the 45th and Shafer of the 48th:

A BILL to be entitled an Act to amend Code Section 7-1-1001 of the Official Code of Georgia Annotated, relating to exemptions for certain persons from the requirement of obtaining a mortgage broker or mortgage lender license, so as to exempt certain exclusive agents of licensed mortgage brokers or lenders; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 506. By Senators Balfour of the 9th, Shafer of the 48th and Unterman of the 45th:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and HOPE grants, so as to provide for a set amount for mandatory fees for HOPE scholarships and HOPE grants for eligible public postsecondary institutions created after January 1, 2004; to repeal conflicting laws; and for other purposes.

SB 510. By Senators Pearson of the 51st, Balfour of the 9th, Seabaugh of the 28th, Wiles of the 37th and Rogers of the 21st:

A BILL to be entitled an Act to amend Title 12 of the O.C.G.A., relating to conservation and natural resources, so as to change certain provisions relating to minimum standards and procedures for protection of river corridors; to change certain provisions regarding minimum standards and procedures regarding river corridors; to provide for limitations with respect to certain stream buffers; to change certain provisions relating to uses to which provisions of certain river protection statutes are inapplicable; to change certain provisions relating to local regulation of land in drainage basins, enforcement where local regulation inadequate, and failure of governing authority to meet requirements; to change certain provisions relating to best management practices regarding land-disturbing activities; to repeal conflicting laws; and for other purposes.

SB 523. By Senators Grant of the 25th, Seabaugh of the 28th, Douglas of the 17th, Schaefer of the 50th, Harp of the 29th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special

license plate honoring the family members of service members who have been killed in action; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

- SB 538. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige and special license plates for certain persons and vehicles, so as to provide for special license plates supporting the Global War on Terrorism and Iraqi freedom; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such license plates; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 539. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige and special license plates for certain persons and vehicles, so as to provide for special license plates supporting the Global War on Terrorism and Operation Enduring Freedom; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such license plates; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 561. By Senators Harp of the 29th, Staton of the 18th, Adelman of the 42nd, Henson of the 41st and Wiles of the 37th:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide for certain definitions; to correct a scrivener's error; to provide for students in professional level programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 562. By Senators Weber of the 40th and Williams of the 19th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to create the Georgia Higher Education Facilities Authority as a body corporate and politic, an instrumentality of the state, and a public corporation; to provide a short title; to define terms; to provide for the members of the authority and their appointment, service, and compensation; to provide for the powers, duties, and operations of the authority; to provide for tax-exempt status of the authority; to provide for other related matters; to repeal conflicting laws; and for other purposes.

- SB 593. By Senator Douglas of the 17th:

A BILL to be entitled an Act to provide for an advisory referendum election to be held in certain districts of Henry County for the purpose of ascertaining whether the voters of such districts desire the governing authority of Henry County to adopt by policy or ordinance measures to oppose or prevent the expansion of a certain airport in Henry County and whether the governing authority shall take whatever action is legally available to request or prevent the expansion of such airport in any other county; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 626. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act providing a homestead exemption from all Habersham County ad valorem taxes, including taxes for educational purposes, in the amount of \$10,000.00 of the assessed value of the homestead for residents of that county school district who are 65 years of age or over, which Act is the former local constitutional amendment, Resolution Act No. 162, House Resolution No. 662-1850 (Ga. L. 1978, p. 2444), which was continued in effect as statutory law pursuant to Article VII, Section II, Paragraph IV of the Constitution, so as to provide for a definition of the term

"homestead" for purposes of the exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 627. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act creating the Habersham County Water and Sewerage Authority, approved April 6, 1981 (Ga. L. 1981, p. 3327), as amended, so as to continue in existence and reconstitute the authority; to provide for legislative findings; to provide for the termination of the terms of members of the authority appointed under previous law; to provide for the appointment of members and their qualifications, terms, chairperson, quorum, meetings, vacancies, and compensation; to provide for perpetual existence of the authority; to provide for ratification of outstanding revenue bond debt; to revise the powers of the authority; to provide that the authority shall exercise its powers with the consent of the Board of Commissioners of Habersham County; to expressly authorize lease of the assets of the authority, transfer of the authority's employees, and the provision of advice and recommendations to the Board of Commissioners of Habersham County; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 628. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to provide a homestead exemption from Habersham County school district ad valorem taxes for educational purposes for the full value of the homestead for residents of that school district who are disabled or are 65 years of age or over and whose income, excluding certain retirement income, does not exceed \$12,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 629. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from certain Habersham County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead approved May 16, 2002 (Ga. L. 2002, p. 5864), so as to change the definition of homestead for purposes of such exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 630. By Senator Pearson of the 51st:

A BILL to be entitled an Act to amend an Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga. L. 1997, p. 4222), so as to change provisions relating to the time of municipal elections and the terms of the mayor and council; to exercise authority granted under general law so as to make the charter provisions on this subject consistent with general law; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 633. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act establishing a new charter for the Town of Tallulah Falls, approved February 6, 1984 (Ga. L. 1984, p. 3547), as amended, so as to change certain provisions relating to quorum, voting, and special meetings of the town council; to provide for related matters; to repeal conflicting laws; and for the other purposes.

HB 532. By Representative Black of the 174th:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Brooks County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 829. By Representative Jamieson of the 28th:

A BILL to be entitled an Act to amend an Act providing for a new charter for the Town of Martin, approved March 18, 1980 (Ga. L. 1980, p. 3215), as amended, so as to repeal term limitations for the mayor and the members of the city council; to repeal conflicting laws; and for other purposes.

HB 1198. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide a homestead exemption from McIntosh County school district ad valorem taxes for educational purposes in the full amount of the assessed value of the homestead for residents of that school district who are 65 years of age or over and whose annual income does not exceed \$25,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1297. By Representatives Tumlin of the 38th, Teilhet of the 40th, Parsons of the 42nd, Manning of the 32nd, Johnson of the 37th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1432. By Representatives Scheid of the 22nd, Hill of the 21st, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to amend an Act to re-create and reincorporate the City of Woodstock, approved April 17, 1975 (Ga. L. 1975, p. 4160), as amended, so as to provide that it shall require the affirmative votes of five councilmembers to approve the exercise of the power of eminent domain in the city limits; to provide for a quorum; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1449. By Representative Bridges of the 10th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education of Habersham County, approved March 5, 1976 (Ga. L. 1976, p. 2708), as amended, so as to change certain provisions regarding the compensation of the members of such board; to provide for the specific repeal of an amendatory Act thereto, an Act approved May 6, 2005 (Ga. L. 2005, p. 3969); to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1450. By Representative Bridges of the 10th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Demorest ad valorem taxes for municipal purposes in the amount of \$20,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 1025. By Senator Kemp of the 46th:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide for dedication of certain revenue derived from fees from the sale of specially designed license plates to a state department or commission for purposes of supporting and promoting the equine industry in this state and further provide that such funds shall not lapse; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1298. By Representative Hanner of the 148th:

A BILL to be entitled an Act to create and establish the Preston-Weston-Webster County Charter and Unification Commission; to provide for a short title; to provide for definitions; to provide for the appointment of the members of said commission; to provide for the organizational meeting of the charter and unification commission and for the election of a chairperson; to provide for the powers and duties of said commission; to provide that the charter and unification commission shall be authorized to employ a staff to assist it in carrying out its powers and duties; to provide for the expenses of the charter and unification commission and for the payment of those expenses by the governing authorities of the City of Preston, the City of Weston, and the County of Webster; to provide for all procedures and other matters connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

HB 1026. By Representatives Richardson of the 19th, Golick of the 34th, Harbin of the 118th, Roberts of the 154th, Keen of the 179th and others:

A BILL to amend an Act providing appropriations for the State Fiscal Year beginning July 1, 2005, and ending June 30, 2006, known as the "General Appropriations Act," approved May 10, 2005 (Ga. L. 2005, p. 1319).

By unanimous consent, the following Bills and Resolution of the Senate were read the first time and referred to the Committees:

SB 64. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 40-1-7 of the Official Code of Georgia Annotated, relating to the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles, so as to repeal the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 349. By Senators Thomas of the 54th, Thomas of the 2nd, Butler of the 55th, Seay of the 34th and Moody of the 56th:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of students in elementary and secondary education, so as to require that parents and guardians of students are provided with information about meningococcal meningitis and its associated vaccine or vaccines at the beginning of every school year; to provide for the development of sample educational materials by the Department of Human Resources; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 380. By Senators Kemp of the 46th, Hudgens of the 47th, Bulloch of the 11th, Tolleson of the 20th, Cagle of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 2 of the O.C.G.A., relating to agricultural commodity commissions generally, so as to make certain provisions for an agricultural commodity commission for equines; to change certain provisions relating to definitions relative to said article; to change certain provisions relating to composition, appointments, terms of office, and compensation of commodity commission members, certification of membership to the Secretary of State, advisory boards, special committees, personnel, legal representation, eligibility of federation or organization members, acceptance of donations, voting, and termination; to change certain provisions relating to authorization for issuance of marketing orders, notice, public hearing, record, reports from handlers, compilation of lists of producers and handlers, and use of information in reports; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

SB 505. By Senators Balfour of the 9th, Unterman of the 45th and Shafer of the 48th:

A BILL to be entitled an Act to amend Code Section 7-1-1001 of the Official Code of Georgia Annotated, relating to exemptions for certain persons from the requirement of obtaining a mortgage broker or mortgage lender license, so as to exempt certain exclusive agents of licensed mortgage brokers or lenders; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

SB 506. By Senators Balfour of the 9th, Shafer of the 48th and Unterman of the 45th:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and HOPE grants, so as to provide for a set amount for mandatory fees for HOPE scholarships and HOPE grants for eligible public postsecondary institutions created after January 1, 2004; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

SB 510. By Senators Pearson of the 51st, Balfour of the 9th, Seabaugh of the 28th, Wiles of the 37th and Rogers of the 21st:

A BILL to be entitled an Act to amend Title 12 of the O.C.G.A., relating to conservation and natural resources, so as to change certain provisions relating to minimum standards and procedures for protection of river corridors; to change certain provisions regarding minimum standards and procedures regarding river corridors; to provide for limitations with respect to certain stream buffers; to change certain provisions relating to uses to which provisions of certain river protection statutes are inapplicable; to change certain provisions relating to local regulation of land in drainage basins, enforcement where local regulation inadequate, and failure of governing authority to meet requirements; to change certain provisions relating to best management practices regarding land-disturbing activities; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

SB 523. By Senators Grant of the 25th, Seabaugh of the 28th, Douglas of the 17th, Schaefer of the 50th, Harp of the 29th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates

and special plates for certain persons and vehicles, so as to provide for a special license plate honoring the family members of service members who have been killed in action; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 538. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige and special license plates for certain persons and vehicles, so as to provide for special license plates supporting the Global War on Terrorism and Iraqi freedom; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such license plates; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

SB 539. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of

the Official Code of Georgia Annotated, relating to prestige and special license plates for certain persons and vehicles, so as to provide for special license plates supporting the Global War on Terrorism and Operation Enduring Freedom; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such license plates; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

- SB 561. By Senators Harp of the 29th, Staton of the 18th, Adelman of the 42nd, Henson of the 41st and Wiles of the 37th:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide for certain definitions; to correct a scrivener's error; to provide for students in professional level programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

- SB 562. By Senators Weber of the 40th and Williams of the 19th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to create the Georgia Higher Education Facilities Authority as a body corporate and politic, an instrumentality of the state, and a public corporation; to provide a short title; to define terms; to provide for the members of the authority and their appointment, service, and compensation; to provide for the powers, duties, and operations of the authority; to provide for tax-exempt status of the authority; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

- SB 593. By Senator Douglas of the 17th:

A BILL to be entitled an Act to provide for an advisory referendum election to be held in certain districts of Henry County for the purpose of ascertaining whether the voters of such districts desire the governing authority of Henry County to adopt by policy or ordinance measures to oppose or prevent the expansion of a certain airport in Henry County and whether the governing authority shall take whatever action is legally available to request or prevent the expansion of such airport in any other county; to provide for related

matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SB 626. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act providing a homestead exemption from all Habersham County ad valorem taxes, including taxes for educational purposes, in the amount of \$10,000.00 of the assessed value of the homestead for residents of that county school district who are 65 years of age or over, which Act is the former local constitutional amendment, Resolution Act No. 162, House Resolution No. 662-1850 (Ga. L. 1978, p. 2444), which was continued in effect as statutory law pursuant to Article VII, Section II, Paragraph IV of the Constitution, so as to provide for a definition of the term "homestead" for purposes of the exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SB 627. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act creating the Habersham County Water and Sewerage Authority, approved April 6, 1981 (Ga. L. 1981, p. 3327), as amended, so as to continue in existence and reconstitute the authority; to provide for legislative findings; to provide for the termination of the terms of members of the authority appointed under previous law; to provide for the appointment of members and their qualifications, terms, chairperson, quorum, meetings, vacancies, and compensation; to provide for perpetual existence of the authority; to provide for ratification of outstanding revenue bond debt; to revise the powers of the authority; to provide that the authority shall exercise its powers with the consent of the Board of Commissioners of Habersham County; to expressly authorize lease of the assets of the authority, transfer of the authority's employees, and the provision of advice and recommendations to the Board of Commissioners of Habersham County; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SB 628. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to provide a homestead exemption from Habersham County school district ad valorem taxes for educational purposes for the full value of the homestead for residents of that school district who are disabled or are 65 years of age or over and whose income, excluding certain retirement income, does not exceed \$12,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SB 629. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from certain Habersham County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead approved May 16, 2002 (Ga. L. 2002, p. 5864), so as to change the definition of homestead for purposes of such exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SB 630. By Senator Pearson of the 51st:

A BILL to be entitled an Act to amend an Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga. L. 1997, p. 4222), so as to change provisions relating to the time of municipal elections and the terms of the mayor and council; to exercise authority granted under general law so as to make the charter provisions on this subject consistent with general law; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SB 633. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act establishing a new charter for the Town of Tallulah Falls, approved February 6, 1984 (Ga. L. 1984, p. 3547), as amended, so as to change certain provisions relating to quorum,

voting, and special meetings of the town council; to provide for related matters; to repeal conflicting laws; and for the other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SR 1025. By Senator Kemp of the 46th:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide for dedication of certain revenue derived from fees from the sale of specially designed license plates to a state department or commission for purposes of supporting and promoting the equine industry in this state and further provide that such funds shall not lapse; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Motor Vehicles.

The following members were recognized during the period of Morning Orders and addressed the House:

Jamieson of the 28th, Bordeaux of the 162nd, Coleman of the 97th, Buckner of the 76th, and Jackson of the 161st.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 1733. By Representatives Kidd of the 115th, Heard of the 114th, Coleman of the 97th, Stanley-Turner of the 53rd and Smyre of the 132nd:

A RESOLUTION recognizing and commending Dr. Louise McBee and inviting her to appear before the House of Representatives; and for other purposes.

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1155 Do Pass

HR 1156 Do Pass

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1155. By Representatives Butler of the 18th and Maxwell of the 17th:

A RESOLUTION commending the cast and crew of the Bremen High School one-act competition play, "Mark Twain in the Garden of Eden," for being named Class A State Champions and inviting them to appear before the House of Representatives; and for other purposes.

HR 1156. By Representatives Butler of the 18th and Maxwell of the 17th:

A RESOLUTION commending the Bremen High School Competitive Cheerleading Squad for winning the 2005-2006 State Championship and inviting the team to appear before the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1735. By Representative Jenkins of the 8th:

A RESOLUTION congratulating Ira T. "I.T." Harkins on the occasion of his 87th birthday; commending the Harkins family; and for other purposes.

HR 1736. By Representative Burkhalter of the 50th:

A RESOLUTION honoring Mr. William C. Archer on the occasion of his retirement; and for other purposes.

HR 1737. By Representative Sims of the 169th:

A RESOLUTION commending Bradley M. Wooten on becoming an Eagle Scout; and for other purposes.

HR 1738. By Representative Hembree of the 67th:

A RESOLUTION commending Kathryn Bayman Cargile as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1739. By Representative Hembree of the 67th:

A RESOLUTION commending Robbie Parks as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1740. By Representative Hembree of the 67th:

A RESOLUTION commending Laura Lynn Mayhew as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1741. By Representative Hembree of the 67th:

A RESOLUTION commending Joy Elizabeth Salter as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1742. By Representative Loudermilk of the 14th:

A RESOLUTION commending Colonel Don Greene for his service to Georgia as Commander of the Georgia Wing of the Civil Air Patrol; and for other purposes.

HR 1743. By Representative Hembree of the 67th:

A RESOLUTION commending Barbara Smoot as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1744. By Representative Hembree of the 67th:

A RESOLUTION commending Darin M. Lane as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1745. By Representative Hembree of the 67th:

A RESOLUTION commending Emily R. McGill as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1746. By Representative Hembree of the 67th:

A RESOLUTION commending Olanrewaju Y. Jimoh as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1747. By Representative Hembree of the 67th:

A RESOLUTION commending Jeffery Z. Murdock as a University System

of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1748. By Representative Hembree of the 67th:

A RESOLUTION commending Ava Katherine Ward as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1749. By Representative Hembree of the 67th:

A RESOLUTION commending Melissa Cabinian as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1750. By Representative Gardner of the 57th:

A RESOLUTION commending the American Red Cross and proclaiming March, 2006, American Red Cross Month in Georgia; and for other purposes.

HR 1751. By Representative Hembree of the 67th:

A RESOLUTION commending Leigha A. Frady as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1752. By Representative Hembree of the 67th:

A RESOLUTION commending Joseph Daniel Rose as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1753. By Representative Hembree of the 67th:

A RESOLUTION commending Seleha Hina Mehmood as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1754. By Representative Hembree of the 67th:

A RESOLUTION commending Brandon Luders as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1755. By Representative Hembree of the 67th:

A RESOLUTION commending Drew Davenport as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1756. By Representative Hembree of the 67th:

A RESOLUTION commending Quentin A. Heyward as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1757. By Representative Hembree of the 67th:

A RESOLUTION commending Elizabeth J. Broman as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1758. By Representative Bryant of the 160th:

A RESOLUTION saluting the business, civic, and community success of Joseph Addison, President of Joe Addison Motors of Savannah, Georgia; and for other purposes.

HR 1759. By Representatives Fludd of the 66th, Mosby of the 90th, Bruce of the 64th and Thomas of the 100th:

A RESOLUTION saluting the microenterprise industry and the Georgia Micro Enterprise Network and welcoming the Association for Enterprise Opportunity 2006 annual conference to Atlanta; and for other purposes.

HR 1760. By Representatives Greene of the 149th, Smith of the 13th, Shaw of the 176th, Richardson of the 19th, Wix of the 33rd and others:

A RESOLUTION commending Ms. Gail Kaley-Kumpf on the occasion of her retirement; and for other purposes.

HR 1761. By Representative Keown of the 173rd:

A RESOLUTION commending Joe Hall on his public service and congratulating him on the occasion of his retirement; and for other purposes.

HR 1762. By Representatives Forster of the 3rd, Dickson of the 6th and Neal of the 1st:

A RESOLUTION commending Catoosa County's Lakeview-Fort Oglethorpe High School for winning the Professional Association of Georgia Educators' Georgia Academic Decathlon Division II State Championship; and for other purposes.

HR 1763. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION commending and recognizing Mrs. Rachael Parr as the 2006 Georgia Science Teacher Association (GSTA) Science Teacher of the Year; and for other purposes.

HR 1764. By Representatives Sims of the 151st and Dukes of the 150th:

A RESOLUTION commending Ms. Pauline M. Stadnik on being selected as the Dougherty County STAR teacher; and for other purposes.

HR 1765. By Representatives Casas of the 103rd, Thomas of the 100th and Cox of the 102nd:

A RESOLUTION commending the Berkmar High School Academic Decathlon for winning the Georgia state academic decathlon championship; and for other purposes.

HR 1766. By Representatives Sims of the 151st and Dukes of the 150th:

A RESOLUTION commending Tamesha Shante Derico on her selection as the STAR student for Dougherty County; and for other purposes.

HR 1767. By Representatives Drenner of the 86th, Cooper of the 41st, Channell of the 116th, Rynders of the 152nd, Mosby of the 90th and others:

A RESOLUTION commending the Together Rx Access Card program and its participating pharmaceutical companies; and for other purposes.

HR 1768. By Representatives Marin of the 96th and Chambers of the 81st:

A RESOLUTION commending the St. Pius X Catholic High School forensic team; and for other purposes.

HR 1769. By Representatives Mangham of the 94th and Brooks of the 63rd:

A RESOLUTION commending and recognizing Laura Elizabeth de Give on earning the Girl Scouts of America Gold Award; and for other purposes.

HR 1770. By Representatives Davis of the 109th, Lunsford of the 110th, Yates of the 73rd, Mosby of the 90th and Barnes of the 78th:

A RESOLUTION commending Youth Leadership Henry for its outstanding contributions to the community; and for other purposes.

- HR 1771. By Representatives Wix of the 33rd, Teilhet of the 40th, Morgan of the 39th and Johnson of the 37th:

A RESOLUTION recognizing and commending the efforts and contributions of the Sweetwater Valley Community Action Mission Program (CAMP) in south Cobb County; and for other purposes.

- HR 1772. By Representatives Floyd of the 99th, Drenner of the 86th, Thomas of the 100th, Orrock of the 58th and Marin of the 96th:

A RESOLUTION remembering and honoring the life of Mr. Adam Michael Stevens; and for other purposes.

- HR 1773. By Representatives Jackson of the 161st and Mangham of the 94th:

A RESOLUTION recognizing and commending Mr. Michael O'Neal for his contributions to Parent University; and for other purposes.

- HR 1774. By Representatives Williams of the 89th, Watson of the 91st, Mitchell of the 88th and Mosby of the 90th:

A RESOLUTION recognizing the Atlanta chapter of the Africa Travel Association (ATA); and for other purposes.

- HR 1775. By Representative Jenkins of the 8th:

A RESOLUTION recognizing and commending James Childers; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

- HB 239. By Representatives Fleming of the 117th, Keen of the 179th, Burkhalter of the 50th, Parrish of the 156th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as to provide for the manner of making certain settlement offers in certain civil actions; to provide that a party rejecting a settlement offer may be liable for litigation costs where a judgment is significantly less favorable to the rejecting party than was the settlement offer; to provide for practice and procedure; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to provisional and final remedies and special proceedings in civil cases, so as to change provisions relating to offers to settle tort claims; to change provisions relating to when a party declining an offer may be liable for attorney's fees and costs; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to provisional and final remedies and special proceedings in civil cases, is amended by striking Code Section 9-11-68, relating to offers to settle tort claims, and inserting in its place a new Code section to read as follows:

"9-11-68.

(a) At any time more than 30 days after the service of a summons and complaint on a party but not less than 30 days (or 20 days if it is a counteroffer) before trial, either party may serve upon the other party, but shall not file with the court, a written offer, denominated as an offer under this Code section, to settle a tort claim for the money specified in the offer and to enter into an agreement dismissing the claim or to allow judgment to be entered accordingly. Any offer under this Code section must:

- (1) Be in writing and state that it is being made pursuant to this Code section;
- (2) Identify the party or parties making the proposal and the party or parties to whom the proposal is being made;
- (3) Identify generally the claim or claims the proposal is attempting to resolve;
- (4) State with particularity any relevant conditions;
- (5) State the total amount of the proposal;
- (6) State with particularity the amount proposed to settle a claim for punitive damages, if any;
- (7) State whether the proposal includes attorney's fees or other expenses and whether attorney's fees or other expenses are part of the legal claim; and
- (8) Include a certificate of service and be served by certified mail or statutory overnight delivery in the form required by Code Section 9-11-5.

~~(b) When the complaint sets forth a tort claim for money, if the offeree rejects or does not accept the offer and the judgment finally obtained by the offeree was not at least 25 percent more favorable than the last offer, the offeree shall pay the offeror's reasonable attorney's fees and costs incurred after the rejection of the last offer.~~

(b)(1) If a defendant makes an offer of settlement which is rejected by the plaintiff, the defendant shall be entitled to recover reasonable attorney's fees and expenses of

litigation incurred by the defendant or on the defendant's behalf from the date of the rejection of the offer of settlement through the entry of judgment if the final judgment is one of no liability or the final judgment obtained by the plaintiff is less than 75 percent of such offer of settlement.

(2) If a plaintiff makes an offer of settlement which is rejected by the defendant and the plaintiff recovers a final judgment in an amount greater than 125 percent of such offer of settlement, the plaintiff shall be entitled to recover reasonable attorney's fees and expenses of litigation incurred by the plaintiff or on the plaintiff's behalf from the date of the rejection of the offer of settlement through the entry of judgment.

(c) Any offer made under this Code section shall remain open for 30 days unless sooner withdrawn by a writing served on the offeree prior to acceptance by the offeree, but an offeror shall not be entitled to attorney's fees and costs under subsection (b) of this Code section to the extent an offer is not open for at least 30 days (unless it is rejected during that 30 day period). A counteroffer shall be deemed a rejection but may serve as an offer under this Code section if it is specifically denominated as an offer under this Code section. Acceptance or rejection of the offer by the offeree must be in writing and served upon the offeror. An offer that is neither withdrawn nor accepted within 30 days shall be deemed rejected. The fact that an offer is made but not accepted does not preclude a subsequent offer. Evidence of an offer is not admissible except in proceedings to enforce a settlement or to determine reasonable attorney's fees and costs under this Code section.

~~(d) Upon motion made within 30 days of the entry of the judgment or after voluntary or involuntary dismissal, the court shall determine the following:~~

~~(1) If the offer of judgment was 25 percent more favorable than the monetary award, the court shall award reasonable attorney's fees and costs and the court shall set off such reasonable attorney's fees and costs against any award; and~~

(d)(1) The court shall order the payment of attorney's fees and expenses of litigation upon receipt of proof that the judgment is one to which the provisions of either paragraph (1) or paragraph (2) of subsection (b) of this Code section apply; provided, however, that if an appeal is taken from such judgment, the court shall order payment of such attorney's fees and expenses of litigation only upon remittitur affirming such judgment.

(2) If a party is entitled to costs and fees pursuant to the provisions of this Code section, the court may determine that an offer was not made in good faith in an order setting forth the basis for such a determination. In such case, the court may disallow an award of attorney's fees and costs.

(e) Upon motion by the prevailing party at the time that the verdict or judgment is rendered, the moving party may request that the finder of fact determine whether the opposing party presented a frivolous claim or defense. In such event, the court shall hold a separate bifurcated hearing at which the finder of fact shall make a determination of whether such frivolous claims or defenses were asserted and to award damages, if any, against the party presenting such frivolous claims or defenses. Under this subsection:

(1) Frivolous claims shall include, but are not limited to, the following:

(A) A claim, defense, or other position that lacks substantial justification or that is not made in good faith or that is made with malice or a wrongful purpose, as those terms are defined in Code Section 51-7-80;

(B) A claim, defense, or other position with respect to which there existed such a complete absence of any justiciable issue of law or fact that it could not be reasonably believed that a court would accept the asserted claim, defense, or other position; and

(C) A claim, defense, or other position that was interposed for delay or harassment;

(2) Damages awarded may include reasonable and necessary attorney's fees and expenses of litigation; and

(3) A party may elect to pursue either the procedure specified in this subsection or the procedure specified in Code Section 9-15-14, but not both."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Scheid
N Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	N Dukes	N Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
N Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
E Bridges	Y Everson	Y Jennings	Y Mumford	Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	Y Smith, T
Brown	N Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
Y Bryant	N Fludd	N Jordan	Y Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	N Orrock	Y Stephenson
Burkhalter	Y Freeman	N Kidd	Y Parham	Y Talton

Y Burmeister	N Gardner	Y Knight	Y Parrish	N Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Carter	Y Graves, T	Y Lane, R	Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	N Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	N Mangham	Y Rogers	N Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 114, nays 35.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Benfield of the 85th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

Representatives Jones of the 46th and Maddox of the 172nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Due to a mechanical malfunction, the votes of Representatives Setzler of the 35th and Smith of the 131st were not recorded on the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Bryant of the 160th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 1090. By Representatives Harbin of the 118th, Fleming of the 117th, Burmeister of the 119th and Rogers of the 26th:

A BILL to be entitled an Act to amend Chapter 10 of Title 13 of the O.C.G.A., relating to contracts for public works, and Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to exercise of power to contract by the Department of Transportation generally, so as to provide that a contractor that is more than 30 days behind in the performance of a state public works construction contract or a construction or maintenance contract with the Department of Transportation due to the fault of such

contractor shall not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contract is brought current or is completed; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, and Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to exercise of power to contract by the Department of Transportation generally, so as to provide that a contractor that is more than 25 percent behind in the performance of certain contracts due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contracts is brought current or is completed; to provide for a determination of fault; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, is amended by adding a new Article 3 to read as follows:

"ARTICLE 3

13-10-100.

(a) A contractor that is found to be more than 25 percent behind in the performance of any combination of two or more of any of the following:

(1) State public works construction contracts; or

(2) Department of Transportation construction or maintenance contracts

based on a final determination that such delay was due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contracts is brought current or is completed.

(b) The determination of whether such contractor is behind in its performance and the cause of such delay shall be made in accordance with all applicable contract terms and provisions, including the requirements for determination of the contract time of performance, the contractor's right to request a time extension, resolution of any controversy or dispute involving the time of performance, mediation, and all

subsequent procedures or processes available under or allowed by the contract, to finally resolve any such controversy. Before such final determination is applied against a contractor, the determination may be appealed de novo to the applicable court."

SECTION 2.

Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to exercise of power to contract by the Department of Transportation generally, is amended by adding a new Code Section 32-2-66.1 to read as follows:

"32-2-66.1.

(a) A contractor that is found to be more than 25 percent behind in the performance of any combination of two or more of any of the following:

- (1) Department of Transportation construction or maintenance contracts; or
- (2) State public works contracts

due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contracts is brought current or is completed.

(b) The determination of whether such contractor is behind in its performance and the cause of such delay shall be made by the Department of Transportation and shall be in accordance with all applicable contract terms and provisions, including the requirements for determination of the contract time of performance, the contractor's right to request a time extension, resolution of any controversy or dispute involving the time of performance, mediation, and all subsequent procedures or processes available under or allowed by the contract, to finally resolve any such controversy. Before such final determination is applied against a contractor, the determination may be appealed de novo to the applicable court."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M

Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
E Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 158, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Roberts of the 154th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 695. By Representatives Holt of the 112th and Mills of the 25th:

A BILL to be entitled an Act to amend Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild animals, so as to enact the "Disabled Assistants Act"; to revise provisions relating to wild animal permits and licenses; to authorize the issuance of permits for animals to assist persons with disabilities under certain conditions; to provide for related

matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild animals, so as to enact the "Disabled Assistants Act"; to revise provisions relating to wild animal permits and licenses; to authorize the issuance of permits for certain animals to assist persons with disabilities under certain conditions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Disabled Assistants Act."

SECTION 2.

Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild animals, is amended in Code Section 27-5-4, relating to wild animal licenses and permits, by striking subsection (b) and inserting in its place a new subsection to read as follows:

"(b)(1) ~~Wild~~ Except as provided in paragraph (2) of this subsection, wild animal licenses will be issued only to persons engaged in the wholesale or retail wild animal business or persons exhibiting wild animals to the public. Wild animal permits will be issued at no cost and only to persons for scientific or educational purposes, to persons with a permanent disability or disease as provided and for the purpose described in paragraph (2) of this subsection, or to a pond owner for grass carp or grass carp hybrids where the department has determined that the possession of such carp by the pond owner will not constitute a threat to wildlife; provided, however, that no such permit shall be required for persons buying triploid grass carp from properly licensed wild animal dealers authorized to sell grass carp where the bill of sale is retained by the buyer as proof of such sale and where the triploid grass carp are to be stocked only into a private pond; provided, further, that no such license or permit shall be required solely for the transportation of wild animals through this state where the animals remain in this state no more than 24 hours and are not sold or transferred while in this state.

(2) The department shall issue a wild animal permit only for an animal in the genus Cebus (capuchin monkeys) to any person who establishes to the satisfaction of the department that:

(A) Such person has a permanent disability or disease which interferes with the person's ability to perform one or more routine daily living activities;

(B) The animal for which the permit is to be issued has been trained to assist the person in performing his or her daily living activities;

(C) The animal will be humanely treated and will not present a health or safety threat;

(D) The animal for which the permit is to be issued is the only wild animal to be possessed by that person;

(E) The permittee does not have a history of violating this chapter; and

(F) The organization furnishing the animal to the applicant:

(i) Is reputable, lawful, and does not have any history of violating this chapter;

(ii) Provides to the department documentation and data sufficient to establish that the organization has a proven record, over at least a ten-year period, of furnishing animals which provide meaningful assistance to persons with disabilities; and

(iii) Has received and maintained a nonprofit, tax-exempt status.

(3) Permits issued under the provisions of paragraph (2) of this subsection shall be issued only to individuals and are nontransferable.

(4) Capuchin monkeys possessed under the provisions of paragraph (2) of this subsection are exempt from the requirements of paragraph (5) of subsection (k) of Code Section 27-5-4 but must be treated humanely and shall be kept only in the residence of the permittee. When transported, the monkey must be in a USDA approved carrier and there shall be no contact allowed between the public and monkey when outside the permittee's residence. Under no circumstances may the monkey be present on premises where food is sold."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F

Y Benton	Y Dukes	N Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
E Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jacobs of the 80th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Knox of the 24th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 841. By Representatives Day of the 163rd, Graves of the 137th, Hugley of the 133rd and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption from state sales and use tax only with respect to certain sales to qualified job training organizations for a limited period of time; to provide for a definition; to provide for conditions and

limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption from state sales and use tax only with respect to certain sales to qualified job training organizations for a limited period of time; to provide for a definition; to provide for conditions and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, is amended by striking "or" at the end of paragraph (81), by striking the period at the end of paragraph (82) and inserting in its place "; or", and by adding a new paragraph immediately following paragraph (82) to be designated paragraph (83) to read as follows:

"(83)(A) Sales of tangible personal property and services to a qualified job training organization when such organization obtains an exemption determination letter from the commissioner.

(B) For purposes of this paragraph, 'qualified job training organization' means an organization which:

- (i) Is located in this state;
- (ii) Is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code;
- (iii) Specializes in the retail sale of donated items;
- (iv) Provides job training and employment services to individuals with workplace disadvantages and disabilities; and
- (v) Uses a majority of its revenues for job training and placement programs.

(C)(i) For the purposes of this paragraph, the term 'local sales and use tax' shall mean any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or pursuant to Article 2 of this chapter; by or pursuant to Article 2A of this chapter; by or pursuant to Part 1 of Article 3 of this chapter; by or

pursuant to Part 2 of Article 3 of this chapter; by or pursuant to Article 4 of this chapter.

(ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply to any local sales and use tax levied or imposed at any time.

(D) The commissioner shall promulgate any rules and regulations necessary to implement and administer this paragraph.

(E) This paragraph shall stand repealed in its entirety on July 1, 2008."

SECTION 2.

This Act shall become effective July 1, 2006.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Mosby	Y Smith, L
Y Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
E Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard

Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 1053 Do Pass

The following Resolution of the House, favorably reported by the Committee on Rules, was read and adopted:

HR 1053. By Representatives Maddox of the 172nd, Keown of the 173rd, Freeman of the 140th, Tumlin of the 38th, Benton of the 31st and others:

A RESOLUTION recognizing and commending Boy Scout Troop 383 and inviting the leaders and members of the troop to appear before the House of Representatives; and for other purposes.

The Speaker Pro Tem assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bill and Resolution of the House were taken up for consideration and read the third time:

HR 773. By Representatives Jones of the 46th, Ehrhart of the 36th, Coleman of the 97th, Maxwell of the 17th, Bearden of the 68th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide for authorization, imposition, levy, collection, and distribution of a sales and use tax for educational purposes by resolution of any county school district or independent school district, conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a referendum thereon; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Proposing an amendment to the Constitution of Georgia so as to change the existing provisions regarding the sales tax for education; to allow for a county school district in which one or more independent school districts are located to authorize, impose, levy, collect, and distribute a sales and use tax for educational purposes without the participation of all the independent school districts located within the county, conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a referendum thereon; to provide for a method of distribution for taxes simultaneously collected by a county school district and an independent school district within the county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section VI of the Constitution is amended by striking Paragraph IV in its entirety and inserting in lieu thereof a new Paragraph IV to read as follows:

"Paragraph IV. ***Sales tax for educational purposes.*** (a) The board of education of each school district in a county in which no independent school district is located may by resolution and the board of education of each county school district and the board of education of ~~each~~ any one or more independent school ~~district~~ districts located within such county may by concurrent resolutions impose, levy, and collect within such school district or districts a sales and use tax for educational purposes of such school district or districts conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a referendum thereon. This tax shall be at the rate of 1 percent and shall be imposed for a period of time not to exceed five years, but in all other respects, except as otherwise provided in this Paragraph, shall correspond to and be levied in the same manner as the tax provided for by Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special county 1 percent sales and use tax, as now or hereafter amended. Proceedings for the reimposition of such tax shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect.

(b) The purpose or purposes for which the proceeds of the tax are to be used and may be expended include:

- (1) Capital outlay projects for educational purposes;
- (2) The retirement of previously incurred general obligation debt with respect only to capital outlay projects of the school system; provided, however, that the tax authorized under this Paragraph shall only be expended for the purpose authorized under this subparagraph ~~(b)(2)~~ if all ad valorem property taxes levied or scheduled to

be levied prior to the maturity of any such then outstanding general obligation debt to be retired by the proceeds of the tax imposed under this Paragraph shall be reduced by a total amount equal to the total amount of proceeds of the tax imposed under this Paragraph to be applied to retire such bonded indebtedness. In the event of failure to comply with the requirements of this subparagraph ~~(b)(2)~~, as certified by the Department of Revenue, no further funds shall be expended under this subparagraph ~~(b)(2)~~ by such county or independent board of education and all such funds shall be maintained in a separate, restricted account and held solely for the expenditure for future capital outlay projects for educational purposes; or

(3) A combination of the foregoing.

(c) The resolution calling for the imposition of the tax and the ballot question shall each describe:

(1) The specific capital outlay projects to be funded, or the specific debt to be retired, or both, if applicable;

(2) The maximum cost of such project or projects and, if applicable, the maximum amount of debt to be retired, which cost and amount of debt shall also be the maximum amount of net proceeds to be raised by the tax; and

(3) The maximum period of time, to be stated in calendar years or calendar quarters and not to exceed five years.

(d) Nothing in this Paragraph shall prohibit a county and those municipalities located in such county from imposing as additional taxes local sales and use taxes authorized by general law.

(e) The tax imposed pursuant to this Paragraph shall not be subject to and shall not count with respect to any general law limitation regarding the maximum amount of local sales and use taxes which may be levied in any jurisdiction in this state.

(f) The tax imposed pursuant to this Paragraph shall not be subject to any sales and use tax exemption with respect to the sale or use of food and beverages which is imposed by law.

(g) The net proceeds of the tax shall be distributed to the school district or districts in which the tax is collected; provided, however, that if such a tax is simultaneously collected by a county school district and one or more participating independent school districts within such county, then the net proceeds of the tax shall be distributed between the county school district and the participating independent school district or districts, or portion thereof, located in such county according to an agreement between the county school district and the participating independent school district or districts or, if no agreement can be reached, according to the ratio the student enrollment in each participating school district, or portion thereof, bears to the total student enrollment of all participating school districts in the county or upon such other formula for distribution as may be authorized by local law. For purposes of this subparagraph, student enrollment shall be based on the latest FTE full-time enrollment count prior to the referendum on imposing the tax.

(h) Excess proceeds of the tax which remain following expenditure of proceeds for authorized projects or purposes for education shall be used solely for the purpose of

reducing any indebtedness of the school system. In the event there is no indebtedness, such excess proceeds shall be used by such school system for the purpose of reducing its millage rate in an amount equivalent to the amount of such excess proceeds.

(i) The tax authorized by this Paragraph may be imposed, levied, and collected as provided in this Paragraph without further action by the General Assembly, but the General Assembly shall be authorized by general law to further define and implement its provisions including, but not limited to, the authority to specify the percentage of net proceeds to be allocated among the projects and purposes for which the tax was levied.

(j)(1) Notwithstanding any provision of any constitutional amendment continued in force and effect pursuant to Article XI, Section I, Paragraph IV(a) and except as otherwise provided in subparagraph (j)(2) of this Paragraph, any political subdivision whose ad valorem taxing powers are restricted pursuant to such a constitutional amendment may receive the proceeds of the tax authorized under this Paragraph or of any local sales and use tax authorized by general law, or any combination of such taxes, without any corresponding limitation of its ad valorem taxing powers which would otherwise be required under such constitutional amendment.

(2) The restriction on and limitation of ad valorem taxing powers described in subparagraph (j)(1) of this Paragraph shall remain applicable with respect to proceeds received from the levy of a local sales and use tax specifically authorized by a constitutional amendment in force and effect pursuant to Article XI, Section I, Paragraph IV(a), as opposed to a local sales and use tax authorized by this Paragraph or by general law."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

- "() YES Shall the Constitution of Georgia be amended so as to change the existing provisions regarding the sales tax for education to allow for a county school district in which one or more independent school districts are located to authorize, impose, levy, collect, and distribute a sales and use tax for educational purposes without the participation of all the independent school districts located within the county, conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a referendum thereon, and to provide for a method of distribution for taxes simultaneously collected by a county school district and an independent school district within the county?"
- () NO

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
N Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolution, by substitute, the ayes were 164, nays 1.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

HB 893. By Representatives Jones of the 46th, Ehrhart of the 36th, Coleman of the 97th, Maxwell of the 17th and Forster of the 3rd:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales taxes for educational purposes, so as to change certain provisions relating to the manner of imposition of such taxes; to provide an effective date; to provide for contingent automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales taxes for educational purposes, so as to change certain provisions relating to the manner of imposition of such taxes; to provide an effective date; to provide for contingent automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales taxes for educational purposes, is amended by striking Code Section 48-8-141, relating to the manner of imposition of such taxes, and inserting in lieu thereof the following:

"48-8-141.

Except as otherwise expressly provided in Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, the sales tax for educational purposes which may be levied by a board of education of a county school district or concurrently by the board of education of a county school district and the board of education of ~~each~~ one or more independent school ~~district~~ districts located within such county, shall be imposed and levied by such board or boards of education and collected by the commissioner on behalf of such board or boards of education in the same manner as provided for under Part 1 of this article and the provisions of Part 1 of this article in particular, but without limitation, the provisions regarding the authority of the commissioner to administer and collect this tax, retain the 1 percent administrative fee, and promulgate rules and regulations governing this tax shall apply equally to such board or boards of education."

SECTION 2.

This Act shall become effective January 1, 2007, only upon the ratification at the state-wide general election in November, 2006, of an amendment to the Constitution providing for the authorization, imposition, levy, collection, and distribution of a sales and use tax for educational purposes by resolution of any county school district or independent school district conditioned upon approval by a majority of the qualified voters residing

within the limits of the local taxing jurisdiction voting in a referendum thereon. If such an amendment is not so ratified, this Act shall be repealed automatically on January 1, 2007.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 158, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 1776. By Representatives Gardner of the 57th, Ehrhart of the 36th, Morgan of the 39th, Watson of the 91st, Oliver of the 83rd and others:

A RESOLUTION commending the American Red Cross and proclaiming March, 2006, American Red Cross Month in Georgia; inviting its representatives to appear before the House of Representatives; and for other purposes.

The Speaker assumed the Chair.

The following supplemental Rules Calendar was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, MARCH 9, 2006

Mr. Speaker and Members of the House:

Your Committee on Rules has met and submits the following supplemental to the calendar already adopted this March 09, 2006, by adding the following:

DEBATE CALENDAR

Structured Rule

HB 1313	Eminent domain; comprehensive revision of provisions; provide
HR 1306	Condemnation of property; redevelopment purposes; approved by vote; require - CA

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills and Resolution of the House were taken up for consideration and read the third time:

HB 1313. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A BILL to be entitled an Act to amend Title 8 of the O.C.G.A., relating to buildings and housing, Title 22 of the O.C.G.A., relating to eminent domain, and Title 36 of the O.C.G.A., relating to local government, so as to provide for the comprehensive revision of provisions regarding eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's eminent domain power; to change certain language relating to blighted areas; to provide for a new definition of blighted areas; to change certain provisions regarding housing authorities' power of eminent domain; to amend Chapter 3 of Title 23 of the O.C.G.A., relating to equitable remedies and proceedings, so as to grant standing to municipalities and counties to seek certain equitable remedies and proceedings; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL

To amend Titles 8, 22, 23, and 36 of the Official Code of Georgia Annotated, relating buildings and housing, eminent domain, equity, and local government, respectively, so as to provide for the comprehensive revision of provisions regarding the power of eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's power of eminent domain; to change certain provisions regarding the acquisition powers of housing authorities; to change certain provisions relating to legislative findings regarding blighted properties; to provide for a new definition of blighted properties; to provide for other definitions; to provide for a public use requirement for exercising the power of eminent domain; to change certain provisions relating to the power of eminent domain and the presumption of a public use; to provide for attorney's fees in certain cases challenging the use of eminent domain; to provide certain exemptions to the applicability of the power of eminent domain to public utilities; to change certain provisions relating to the General Assembly's power to determine when eminent domain may be exercised; to provide for certain changes regarding eminent domain to require a public use; to change certain provisions regarding when the use of eminent domain is allowed; to provide guidelines for the use of condemnation; to provide for practice and procedure relative to condemnation; to provide for testimony relative to the value of condemned property; to provide for expedited hearings; to repeal provisions relating to certain appeals from assessor's awards; to change compensation for special

masters; to change provisions relating to the right of appealing the award of the special master in condemnation proceedings; to change provisions relating to the use of condemnation by waterworks; to grant standing to municipalities, counties, and housing authorities to seek certain equitable remedies and proceedings; to provide for certain notification requirements; to provide for certain restrictions regarding the use of eminent domain under or in connection with a redevelopment plan and urban redevelopment; to change certain provisions regarding who must conduct public hearings relating to redevelopment plans; to provide for reacquisition of condemned property under certain circumstances; to provide for reimbursement of reasonable costs and expenses incurred because of condemnation proceedings; to provide for certain exemptions; to provide for revisions for purposes of conformity; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "The Private Property Protection Act."

SECTION 2.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended by striking Code Section 8-3-31, relating to a housing authority's eminent domain power, and inserting in its place a new Code Section 8-3-31 to read as follows:

"8-3-31.

(a) After the adoption by the governing authority of the city or county of a resolution declaring that the acquisition of the real property described in the resolution is necessary for the purposes set forth in this chapter, a municipality, county, or housing authority ~~An authority~~ shall have the right to acquire by the exercise of the power of eminent domain any real property which is blighted and is deemed ~~it may deem~~ necessary for its the purposes of the resolution described in this subsection. ~~The exercise of the power of eminent domain authorized by this chapter shall be in the manner provided by Title 22.~~ under this article after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. ~~An authority may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.~~ Property already devoted to a public use may be acquired, except that no real property belonging to the city, the county, the state, or any political subdivision thereof may be acquired without the consent of such city, county, state, or other political subdivision.

(b) Each exercise of eminent domain under this article shall be by resolution by the governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located.

(c) Any governing authority acting under this Code section shall:

- (1) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;
- (2) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record, and if different from the property owner, to the parties in possession of the property, return receipt requested, or deliver such notice by statutory overnight delivery;
- (3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and
- (4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.
- (d) Compliance with this Code section shall be in addition to and not in the place of the requirements imposed by Chapter 1 of Title 22; provided, however, that the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-11."

SECTION 3.

Said title is further amended by striking Code Section 8-4-2, relating to legislative findings regarding blighted areas, and inserting a new Code Section 8-4-2 to read as follows:

"8-4-2.

It is found and declared:

- (1) That there exist in many communities within this state blighted ~~areas~~ properties, as defined in Code Section 8-4-3, or ~~areas~~ properties in the process of becoming blighted;
- (2) That ~~such areas impair economic values and tax revenues; that such areas~~ properties cause an increase in and spread of disease ~~and or~~ and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the state; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;
- (3) That the clearance, replanning, and preparation for rebuilding of these ~~areas~~ properties and the prevention of the reduction of blight and its causes are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern;
- (4) That ~~there are also certain areas where the condition of the title, the diverse ownership of the land to be assembled, the street or lot layouts, or other conditions prevent a proper development of the land which cloud title preventing the free transfer of property;~~ that it is in the public interest that ~~such areas, as well as~~ blighted areas, properties be acquired by eminent domain and made available for sound and wholesome development in accordance with a redevelopment plan; and that the

exercise of the power of eminent domain and the financing of the acquisition and preparation of land by a public agency for such redevelopment is likewise a public use and purpose;

(5) That redevelopment activities will stimulate residential construction which is closely correlated with general economic activity; and that such undertakings authorized by this chapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in achieving and maintaining full employment;

(6) That there exists an emergency housing shortage of decent, safe, and sanitary dwellings for families of low income; and

(7) That it is in the public interest that advance preparation for such projects and activities be made now; and that the necessity in the public interest for the provisions enacted by this chapter is declared as a matter of legislative determination."

SECTION 4.

Said title is further amended by striking Code Section 8-4-3, relating to definitions regarding blighted areas, and inserting in its place a new Code Section 8-4-3 to read as follows:

"8-4-3.

As used in this chapter, the term:

(1) 'Blighted areas' means:

~~(A) Areas in which there is a predominance of buildings or improvements, or which are predominantly residential in character, and which, by reason of:~~

~~(i) Dilapidation, deterioration, age, or obsolescence;~~

~~(ii) Inadequate provision for ventilation, light, air, sanitation, or open spaces;~~

~~(iii) High density of population and overcrowding;~~

~~(iv) The existence of conditions which endanger life or property by fire and other causes; or~~

~~(v) Any combination of such factors,~~

~~are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and are detrimental to the public health, safety, morals, or welfare; and~~

~~(B) Areas which, by reason of:~~

~~(i) The predominance of defective or inadequate street layout;~~

~~(ii) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;~~

~~(iii) Insanitary or unsafe conditions;~~

~~(iv) Deterioration of site improvements;~~

~~(v) Diversity of ownership;~~

~~(vi) Tax or special assessment delinquency exceeding the fair value of the land;~~

~~(vii) Defective or unusual conditions of title;~~

~~(viii) Improper subdivision or obsolete platting;~~

~~(ix) The existence of conditions which endanger life or property by fire or other causes; or~~

~~(x) Any combination of such factors;~~

~~substantially impair or arrest the sound growth of the community, retard the provision of housing accommodations, or constitute an economic or social liability and are a menace to the public health, safety, morals, or welfare in their the area's present condition and use.~~

(1) 'Blighted property' or 'blight' means:

(A) Any urbanized or developed property which, as shown by government maintained statistics or other studies:

(i) Presents one or more of the following conditions:

(I) Uninhabitable, unsafe, or abandoned structures;

(II) Inadequate provisions for ventilation, light, air, sanitation, or open spaces;

(III) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law;

(IV) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental contamination to an extent that requires remedial investigation or a feasibility study; or

(V) Repeated illegal use of individual structures and the maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and

(ii) Is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime in the redevelopment project area's present condition and use.

Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of blighted property unless the overall condition of the property results in ill health, transmission of disease, infant mortality, juvenile delinquency, or crime; or

(B) Property having tax liens or special assessment delinquency exceeding the fair market value of the property.

(2) 'Redevelopment plan' means a plan, other than a preliminary or tentative plan, for the acquisition, clearance, reconstruction, rehabilitation, or future use of a redevelopment project area. Such plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements and to indicate the proposed land uses and building requirements in the redevelopment project area.

(3) 'Redevelopment project' means:

(A) Any work or undertaking to acquire blighted property areas or portions thereof, including lands, structures, or improvements, the acquisition of which is necessary

or incidental to the proper clearance, development, or redevelopment of such blighted ~~areas~~ properties or to the prevention of the spread or recurrence of ~~slum~~ blighted conditions ~~or conditions of blight~~;

(B) Any work or undertaking to clear any such ~~areas~~ blighted properties by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;

(C) Any work or undertaking to sell, lease, or otherwise make available land in such ~~areas~~ blighted properties for residential, recreational, commercial, industrial, or other use, or for public use or to retain such land for public use, in accordance with the redevelopment plan; and

(D) The preparation of a redevelopment plan; the planning, survey, and other work incident to a redevelopment project; and the preparation of all plans and arrangements for carrying out a redevelopment project."

SECTION 5.

Said title is further amended by striking Code Section 8-4-4, relating to the eminent domain powers of housing authorities, and inserting in its place a new Code Section 8-4-4 to read as follows:

"8-4-4.

(a) Any housing authority established pursuant to Article 1 of Chapter 3 of this title, the 'Housing Authorities Law,' is authorized to prepare or cause to be prepared redevelopment plans and to undertake redevelopment projects within its area of operation, in accordance with this chapter. In undertaking such redevelopment projects, a housing authority shall have all the rights, powers, privileges, and immunities that such authority has under Article 1 of Chapter 3 of this title, the 'Housing Authorities Law,' and any other provision of law relating to ~~slum~~ blight clearance and housing projects for persons of low income, including, without limiting the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations and give security therefor, to acquire real property by eminent domain or purchase after the governing authority within which the property is located has approved the acquisition and provided notice pursuant to subsections (b) and (c) of this Code section, and to do any and all things necessary to carry out projects in the same manner as though all of the provisions of law applicable to ~~slum~~ blight clearance and housing projects were applicable to redevelopment projects undertaken under this chapter, provided that nothing contained in Code Sections 8-3-11 and 8-3-12 shall be construed as limiting the power of an authority, in the event of a default by a purchaser or lessee of land in a redevelopment plan, to acquire property and operate it free from the restrictions contained in said Code sections.

(b) Each exercise of eminent domain under this chapter shall be by resolution by the governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located.

(c) Any governing authority acting under this Code section shall:

(1) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(2) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record and, if different from the property, to the parties in possession of the property, return receipt requested, or deliver such notice by statutory overnight delivery;

(3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.

(d) Compliance with this Code section shall be in addition to and not in place of the requirements imposed by Chapter 1 of Title 22, except that the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-11."

SECTION 6.

Said title is further amended by striking Code Section 8-4-8, relating to authorities acquiring and developing lands not within blighted areas for redevelopment projects, and inserting in its place a new Code section to read as follows:

"8-4-8.

(a) Upon a determination, by resolution, of the governing body of the city in which such land is located that the acquisition by purchase and development of undeveloped vacant land, not within a blighted area, is essential to the proper clearance or redevelopment of blighted areas or a necessary part of the general slum clearance program of the city, the acquisition, planning, preparation for development, or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in this chapter. The determination by the governing body shall not be made until such body finds that there is a shortage of decent, safe, and sanitary housing in the city; that such undeveloped vacant land will be developed for predominantly residential uses; and that the provision of decent, safe, and sanitary housing on such undeveloped vacant land is necessary to the relocation of families to be displaced from blighted areas in the city which are under redevelopment.

(b) In the undertaking of redevelopment projects on a regional or unified metropolitan basis, which projects involve the acquisition by purchase and development of undeveloped vacant land in one city as an adjunct to the redevelopment of blighted areas in another city, each determination or finding required in this Code section shall be made by the governing body of the city with respect to which the determination or finding relates."

SECTION 7.

Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended by striking Code Section 22-1-1, relating to eminent domain definitions, and inserting in its place a new Code Section 22-1-1 to read as follows:

"22-1-1.

As used in this title, the term:

- (1) 'Blight' shall have the same meaning as set forth in Code Section 8-4-3.
- (2) 'Common carrier' means any carrier required by law to convey passengers or freight without refusal if the approved fare or charge is paid.
- (3) 'Economic development' means any economic activity to increase tax revenue, tax base, employment, or general economic health, when the activity does not result in:
 - (A) Transfer of land to public ownership;
 - (B) Transfer of property to a private entity that is a public utility;
 - (C) Transfer of property to a private entity when eminent domain will remove a threat to public health or safety, such as the removal of public nuisances, removal of structures beyond repair or that are unfit for human habitation or use, or acquisition of abandoned property;
 - (D) Lease of property to private entities that occupy an incidental area within a public project; or
 - (E) The remedy of blight.
- (4) 'Each person with a legal claim' means the owner of the property or of any remainder, reversion, mortgage, lease, security deed, or other claim in the property.
- ~~(4)~~(5) 'Interest' means any title or nontitle interest other than fee simple title.
- ~~(2)~~(6) 'Persons' means individuals, partnerships, associations, and corporations, domestic or foreign.
- ~~(3)~~(7) 'Property' means fee simple title.
- (8)(A) 'Public use' means:
 - (i) The possession, occupation, and enjoyment of the land by the general public or by public agencies;
 - (ii) The use of land for the creation or functioning of public utilities;
 - (iii) The opening of roads, the construction of defenses, or the providing of channels of trade or travel;
 - (iv) The acquisition of property to cure an imminent, immediate, or ongoing harmful effect of the current use of the land, including the removal or abatement of public nuisances, structures that are beyond repair or that are unfit for human habitation or use, and the acquisition of abandoned property;
 - (v) The acquisition of property where, after a proceeding to quiet title, persons with an interest in the property remain unknown and unanimous consent is received from each person with a legal claim;
 - (vi) The remedy of blight;
 - (vii) The acquisition of property where persons with a legal claim unanimously consent to the acquisition; or
 - (viii) The remediation of blighted property for the purpose of creating a housing project as such term is defined in paragraph (10) of Code Section 8-3-3 which may

include the transfer of ownership to private parties of residences within a housing project or use of a private enterprise agreement as defined in paragraph (13.1) of Code Section 8-3-3.

(B) The public benefit of economic development shall not constitute a public use.

(9) 'Public utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police and traffic signals and street lighting systems, which directly or indirectly serve the public. This term also means a person, municipal corporation, county, state agency, or public authority which owns or manages a utility as defined in this paragraph. This term shall also include common carriers."

SECTION 8.

Said title is further amended by striking Code Section 22-1-2, relating to the nature of eminent domain, and inserting in its place a new Code Section 22-1-2 to read as follows:

"22-1-2.

(a) The right of eminent domain is the right of the state, through its regular organization, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency and for the public good. Thus, in time of war or insurrection the proper authorities may possess and hold any part of the territory of the state for the common safety; and in time of peace the General Assembly may authorize the appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing channels for trade or travel. Notwithstanding any other provisions of law, neither this state nor any political subdivision thereof nor any other condemning entity shall use eminent domain unless it is necessary for public use.

(b) If property acquired through the power of eminent domain from an owner fails to be put to the stated public use within 12 years, the former owner may initiate an action in superior court to reacquire the property. Where the condemnor has not undertaken an action to put the property to public use, the superior court may declare that the former owner or his or her assigns and heirs shall have the right to reacquire such property for the original condemnation price plus interest at the rate of 3.5 percent amortized annually. The condemnor shall provide notice to each person with a legal claim if the condemnor fails to put the property to public use within 12 years. Each person with a legal claim shall have the right to pursue reacquisition in accordance with this subsection within four years from the date of the notice. The court may award attorney's fees and expenses of litigation to each person with a legal claim who successfully pursues a remedy pursuant to this subsection. This subsection shall not apply to condemnations subject to Code Section 22-3-162.

(c) In the case that property is acquired from more than one owner for the same public use and reacquisition by a single owner is impracticable, any party to the original

condemnation or each person with a legal claim in such condemnation may file an action in the superior court where the property is located for an equitable resolution. This subsection shall not apply to condemnations subject to Code Section 22-3-162."

SECTION 9.

Said title is further amended by striking Code Section 22-1-3, relating to the General Assembly's power to determine when eminent domain may be exercised, and inserting in its place a new Code Section 22-1-3 to read as follows:

"22-1-3.

(a) It is the province of the General Assembly to determine when the right of eminent domain may be exercised. If, however, under pretext of such necessity the General Assembly should pass a law authorizing the taking of property for private use rather than for public use, the courts should declare the law inoperative.

(b) The court presiding over the condemnation shall determine, as a matter of law, whether the exercise of the power of eminent domain is for a public use. The condemning entity bears the burden of proof by the evidence presented that the condemnation is for an authorized public use."

SECTION 10.

Said title is further amended by inserting new Code sections to read as follows:

"22-1-9.

In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for property owners, and to promote public confidence in land acquisition practices, all condemnations shall, to the greatest extent practicable, be guided by the following policies and practices:

(1) The condemnor shall make every reasonable effort to acquire expeditiously real property by negotiation;

(2) Where the condemnor seeks to obtain a fee simple interest in real property, real property shall be appraised before the initiation of negotiations, and the owner or his or her designated representatives shall be given an opportunity to accompany the appraiser during his or her inspection of the property, except that the condemnor may, by law, rule, regulation, or ordinance, prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value;

(3) Before the initiation of negotiations for fee simple interest for real property the condemnor shall establish an amount which the condemnor believes to be just compensation and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the condemnor's independent fee appraisal of the fair market value of such property. The condemnor shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he or she established as just compensation.

Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated;

(4) No owner shall be required to surrender possession of real property before the condemnor pays the agreed purchase price or deposits with the court in accordance with this title, for the benefit of the owner, an amount not less than the condemnor's appraisal of the fair market value of such property or the amount of the award of compensation in the condemnation proceeding for such property;

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his or her business or farm operation without at least 90 days' written notice from the condemnor of the date by which such move is required;

(6) If the condemnor permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the condemnor on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier;

(7) In no event shall the condemnor either advance the time of condemnation or defer negotiations or condemnation and the deposit of funds in court for the use of the owner or take any other bad faith action in order to compel an agreement on the price to be paid for the property;

(8) If any legal interest in real property is to be acquired by exercise of the power of eminent domain, the condemnor shall institute formal condemnation proceedings. No condemnor shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his or her real property; or

(9) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his or her right to receive just compensation for such property, donate such property, any part thereof, any legal interest therein, or any compensation paid to a condemnor, as such person shall determine.

22-1-10.

(a) Prior to the acquisition of any property pursuant to a redevelopment plan for blighted property, the condemnor shall file a petition in the superior court of the county which maintains jurisdiction over the property sought to be condemned. The petition shall set forth the reasons for the condemnation and provide a copy of the redevelopment plan. The condemnor shall provide notice of the petition to each person with a legal claim.

(b) The superior court shall determine, after notice and hearing, whether the condemnor has the legal authority to exercise the power of eminent domain, including whether the property identified by the condemnor is blighted. The condemnor shall have the burden of proof.

(c) The superior court may refer the matter to a special master. The special master shall file a report with the superior court providing all findings necessary to reach a decision.

(d) The hearing shall occur no less than 30 days after the petition is filed.

(e) The court having jurisdiction of a proceeding instituted by a condemnor to acquire real property by condemnation shall award the owner of any right or title to or interest in such real property such sum as will in the opinion of the court reimburse such owner for his or her reasonable costs and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred, if:

(1) The final judgment is that the condemnor cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the condemnor.

22-1-11.

(a) Before any action to approve the condemnation of property, the condemnor shall provide notice of such action to each person with a legal claim, other than governmental bodies, by statutory overnight delivery or certified mail.

(b) After the notice described in subsection (a) of this Code section is provided, the condemnor shall provide for a hearing of the condemnee or condemnees no less than 14 days after delivering or depositing the notice. The condemnor shall provide notice of the hearing to each person with a legal claim. The hearing shall be held by the condemning body authorized to institute the condemnation proceeding. If the condemnor is comprised of several persons, a quorum of the condemning body must attend the hearing. The hearing shall take place in the county of the property sought to be condemned. This subsection shall not apply to condemnations by public utilities or the Department of Transportation.

(c) Except as provided in subsection (d) of this Code section, no action may be brought in any court of this state until at least 30 days after the date of the hearing described in subsection (b) of this Code section; provided, however, that this requirement shall not apply to condemnations by public utilities or the Department of Transportation.

(d) If an emergency condition exists requiring the acquisition of property for the protection of the public health and safety, the condemnor may declare the existence of an emergency and adopt a resolution defining the emergency. Notice and hearing as required by this Code section may be waived by the condemning body in an emergency condition.

(e) If the notice filed pursuant to this Code section includes affidavits from known and located persons, each with a legal claim, and the affidavits state that each person with a legal claim does not oppose the condemnation, a hearing as required by subsection (b) of this Code section may be waived.

22-1-12.

In all actions where a condemnor exercises the power of eminent domain, the court having jurisdiction of a proceeding instituted by a condemnor to acquire real property

by condemnation shall award the owner of any right or title to or interest in such real property such sum as will in the opinion of the court reimburse such owner for his or her reasonable costs and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if:

- (1) The final judgment is that the condemnor cannot acquire the real property by condemnation; or
- (2) The proceeding is abandoned by the condemnor.

22-1-13.

In addition to the types of relocation damages permissible under law, any condemnee that is displaced as a result of the condemnation shall be entitled to:

- (1) Actual reasonable expenses in moving himself or herself, his or her family, business, farm operation, or other personal property;
- (2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation; and
- (3) Such other relocation expenses as authorized by law.

22-1-14.

(a) When property is condemned under this title or any other title of this Code, the value of the condemned property may be determined through lay or expert testimony and its admissibility shall be addressed to the sound discretion of the court.

(b) If any party to a condemnation proceeding seeks to introduce expert testimony as to the issue of just and adequate compensation, Code Section 24-9-67.1 shall not apply."

SECTION 11.

Said title is further amended by repealing Code Section 22-2-84.1, relating to appeals to superior court from assessor's award, reasonable expenses, and liability of cost relating to issues of law.

SECTION 12.

Said title is further amended by striking Code Section 22-2-100, relating to the definition of "condemning body" and "condemnor," and inserting in its place a new Code section to read as follows:

"22-2-100.

As used in this article, 'condemning body' or 'condemnor' means:

- (1) The State of Georgia or any branch of the government of the State of Georgia;
- (2) Any county or municipality of the State of Georgia;
- (3) Any housing authority with approval of the governing authority as provided in Code Section 8-4-4;
- (4) Any other political subdivision of the State of Georgia which is vested with the power of eminent domain; and
- (5) All public utilities that possess the right or power of eminent domain. ~~All other persons possessing the right or power of eminent domain.~~

SECTION 13.

Said title is further amended by striking Code Section 22-2-102, relating to filing a petition of condemnation and certain requirements and rights attached to said petition, and inserting in its place a new Code section to read as follows:

"22-2-102.

(a) In addition to the requirements set forth in Chapter 1 of this title, whenever ~~Whenever~~ it is desirable, for any reason, to arrive at a quick and certain determination of the compensation to be paid first to the condemnee for the taking or damaging of private property, the condemnor shall:

(1) File ~~file~~ a petition in a superior court having jurisdiction for a judgment in rem against the property or interest therein, as provided in Code Section 22-2-130-; and

(2) At or before the filing of the petition, the condemnor shall present a copy of the petition to a judge of the superior court of the county wherein the property or interest sought to be condemned is located. Thereupon, the judge shall have a hearing in court, in chambers, or by telephone with the parties not less than ten days nor more than 30 days from the filing of the petition to appoint a special master. After such hearing, the judge shall make an order requiring the condemnor, the person in possession of the property or interest, and any other person known to have any rights in the property each person with a legal claim or interest to appear at a hearing before a special master at a time and place specified in the order and to make known their rights, if any, in and to the property or interest sought to be condemned, their claims as to the value of the property or interest, and any other matters material to their respective rights. Except in condemnations for purposes of constructing or expanding one or more electric transmission lines, the

(b) The hearing before the special master shall take place not less than ten 30 days nor more than 45 60 days after the date of service the entry of the order appointing the special master. In condemnations for purposes of constructing or expanding one or more electric transmission lines, the hearing before the special master shall take place not less than 30 days and not more than 40 days after the date of service of the order.

(c) The order shall give such directions for notice and the service thereof as are appropriate and as are consistent with this article, in such manner as to provide most effectively an opportunity to all parties at interest to be heard. In condemnations for purposes of constructing or expanding one or more electric transmission lines, in addition to service of the order, a copy of the order shall be mailed by certified mail or sent by statutory overnight delivery to any person shown by the public ad valorem tax records of the county in which the property is located to have an interest in the property and to any other person having open and obvious possession of the property. It shall not be necessary to attach any other process to the petition except the order so made, and the cause shall proceed as in rem."

SECTION 14.

Said title is further amended by striking Code Section 22-2-102.1, relating to petitioning superior court for judgment in rem in cases of eminent domain, and inserting in its place

a new Code section to read as follows:

"22-2-102.1.

(a) In addition to the requirements set forth in Chapter 1 of this title, whenever ~~Whenever~~ it shall be necessary for such condemning body to take or damage private property, or any interest or easement therein, in pursuance of any law so authorizing, for any public ~~purpose~~ use, and where, by reason of the necessities of the public needs, ~~of which the condemning body shall be the exclusive judge, and~~ it shall be desirable for these reasons to have a quick and effective adjudication of the just and adequate compensation to be paid the owner or owners of such property before taking the same, and it shall be desirable to have a judicial ascertainment and judicial supervision of all questions and proceedings connected with the matter, such condemning body may, through any authorized representative, petition the superior court of the county having jurisdiction, for a judgment in rem against said property, or any easement or other interest in said property, condemning the same in fee simple to the use of the petitioner upon payment of just and adequate compensation therefor.

(b) A public utility exercising the right of eminent domain as prescribed by this title shall be the exclusive judge of public need and necessity absent bad faith or the condemnor acting beyond the powers conferred upon it by law."

SECTION 15.

Said title is further amended by striking Code Section 22-2-102.2, relating to contents of petition to superior court for judgment in rem in cases of eminent domain, and inserting in its place a new Code section to read as follows:

"22-2-102.2.

The petition referred to in Code Section 22-2-102.1 shall set forth:

- (1) The facts showing the right to condemn;
- (2) The property or interest to be taken or damaged;
- (3) The names and residences of the persons whose property or interests are to be taken or otherwise affected, so far as known;
- (4) A description of any unknown persons or classes of unknown persons whose rights in the property or interest are to be affected; ~~and~~
- (5) A statement setting forth the necessity to condemn the private property and describing the public use for which the condemnor seeks the property; and
- ~~(5)(6)~~ (6) Such other facts as are necessary for a full understanding of the cause."

SECTION 16.

Said title is further amended by striking Code Section 22-2-106, relating to compensation for special masters, and inserting in lieu thereof the following:

"22-2-106.

(a) The compensation of the special master shall be provided for by a proper order of the judge of the superior court; shall be included in and made a part of the judgment of the court condemning the property or any interest therein sought to be taken, such judgment to be based on the award of the special master; and shall be paid by the

condemning body; ~~and shall not be less than 50.00 per day nor more than \$250.00 per day for the time actually devoted to the hearing and consideration of the matter by the special master.~~ Such compensation shall be left to the discretion of the court and shall not exceed a reasonable hourly rate consistent with local standards unless otherwise agreed upon by the parties with consent of the court. The compensation of the special master shall be assessed as court costs and shall be paid prior to the filing of any appeal from the judgment of the court; provided, however, that if such compensation has not been determined and assessed at the time of filing any such appeal, the same shall be paid within 30 days from the date of assessment.

(b) The judge may allow the special master a reasonable period of time for personal inspection of the premises and may compensate the special master for his or her time spent inspecting the premises and for any actual expenses incurred by ~~him~~ the special master in connection with the inspection, provided that the special master shall file an affidavit with the court showing his or her time spent in inspection and itemizing ~~his or her~~ her expenses."

SECTION 17.

Said title is further amended by striking Code Section 22-2-110, relating to the award of the special master in a condemnation hearing and the form used therein, and inserting in its place a new Code section to read as follows:

"22-2-110.

(a) The award of the special master or the special master panel, in the event such a panel exists, shall be filed with the clerk of the superior court of the county where the property or interest is situated within three days after the date on which such hearing is completed.

(b) The award shall become a part of the record of the proceedings in said matter and shall condemn and vest title to the property or other interest in the condemning body upon the deposit by that body of the amount of the award into the registry of the court, subject to the demand of such condemnee or condemnees, according to their respective interests.

(c) The award shall be in the following form:

AWARD

The special master appointed and chosen by the court to hear evidence and give full consideration to all matters touching upon the value of the property or interest sought to be condemned, as shown by the description of the property or interest in the case of _____ (condemning body) versus _____ (acres of land or other described interest in said land) and _____ (condemnee), Civil action file no. _____ in superior court, having first taken the oath as required by law of the special master, the same having been filed with the clerk of the Superior Court of _____ County, and the special master panel, in the event such a panel exists, having heard evidence under

oath and given consideration to the value of such property or interest on the _____ day of _____, at ____:____.M., as provided for in the order of the court, do decide and recommend to the court as follows:

(1) I/We find and award to _____, condemnee, the sum of \$_____, as the actual market value of the property or interest sought to be condemned;

(2) I/We find consequential damages to the remaining property or interest in the amount of \$_____;

(3) I/We find consequential benefits to the remaining property or interest in the amount of \$_____ (never to exceed the amount of the consequential damages);

(4) I/We find and award to _____, condemnee, the sum of \$_____, as the value of any associated moving costs;

(4)(5) Balancing the consequential benefits against the consequential damages, I/we find and award to the condemnee in this case in the total sum of \$_____, and I/we respectfully recommend to the court that the said property or interest be condemned by a judgment in rem to the use of the condemnor upon the payment of the last stated sum into the registry of the court, subject to the demands of the condemnee.

This _____ day of _____, _____.

Special Master

Assessor

Assessor

(d) In any case where there is an appeal from the award of the special master or the special master panel, in the event such a panel exists, to a jury in the superior court, such award shall not be competent evidence. Any such appeal shall be a de novo investigation, and such award shall be detached from the papers in the case before the same are delivered to the jury."

SECTION 18.

Said title is further amended by striking Code Section 22-2-112, relating to the right of appealing the award of the special master in condemnation proceedings, and inserting in its place a new Code section to read as follows:

"22-2-112.

(a) If the condemnor or any condemnee is dissatisfied with the amount of the award, an appeal shall be filed within ten days from the entry of the award to the superior court of the county where the award is filed and the mailing of the award to the parties. In case any party is dissatisfied with the amount of the award, he or she may, within ten days after the award is filed, enter in writing an appeal from the award to the superior court of the county where the award is filed. The provisions of Code Section 22-2-84.1, relating to reasonable expenses incurred on appeal, shall apply to any appeal under this

~~Code section.~~ At the term succeeding the filing of the appeal, it shall be the duty of the judge to cause an issue to be made and tried by a jury as to the value of the property or interest taken or the amount of damage done, with the same right to move for a new trial and file an appeal as in other cases at law. The entering of an appeal and the proceedings thereon shall not hinder or delay in any way the condemnor's work or the progress thereof.

(b) The condemnee shall have the right to a jury trial on the issue of just and adequate compensation before the superior court having jurisdiction over the property sought to be condemned during the next term of court following the vesting of title in the condemnor. This right may be waived by the condemnee."

SECTION 19.

Said title is further amended by striking Code Section 22-2-131, relating to contents in a petition to the superior court for a judgment in rem, and inserting in its place a new Code section to read as follows:

"22-2-131.

(a) The petition referred to in Code Section 22-2-130 shall set forth:

- (1) The facts showing the right to condemn;
- (2) The property or interest to be taken or damaged;
- (3) The names and residences of the persons whose property or interests are to be taken or otherwise affected, so far as known;
- (4) A description of any unknown persons or classes of unknown persons whose rights in the property or interest are to be affected;
- (5) Such other facts as are necessary for a full understanding of the cause; ~~and~~
- (6) A statement setting forth the necessity to condemn the private property and describing the public use for which the condemnor seeks the property; and
- ~~(6)(7)~~ A prayer for such judgment of condemnation as may be proper and desired.

(b) If any of the persons referred to in this Code section are minors or under disability, the fact shall be stated."

SECTION 20.

Said title is further amended by striking Code Section 22-2-132, relating to requirements of notice and service upon presenting a petition for a judgment in rem, and inserting in its place a new Code section to read as follows:

"22-2-132.

(a) Upon presentation of the petition, the presiding judge ~~may~~ shall issue an order requiring the condemnor, the owner of the property or of any interest therein, and the representative of any owner to appear at a time and place named in the order and make known their objections if any, rights, or claims as to the value of the property or of their interest therein, and any other matters material to their respective rights; provided, however, that if the petition includes affidavits from known and located persons with a legal claim, stating that such condemnees do not oppose the condemnation, no hearing pursuant to this Code section shall be required.

(b) The day named in the order shall be as early as may be convenient but shall be no less than 20 days from the date of the petition, due regard being given to the necessities of notice.

(c) The order shall give appropriate directions for notice and the service thereof.

(d) It shall not be necessary to attach any other process to the petition except the order referred to in subsection (a) of this Code section, and the cause shall proceed as in rem."

SECTION 21.

Said title is further amended by striking in its entirety Code Section 22-3-60, relating to persons constructing and operating waterworks authorized to lease, purchase, or condemn property or interests, and inserting in lieu thereof a new Code Section 22-3-60 to read as follows:

"22-3-60.

Any nongovernmental entity constructing, owning, or operating any waterworks or sanitary sewerage system, or both, in this state shall have the right, power, privilege, and authority to lease, purchase, or condemn property or any interest therein, including easements, or to receive donations or grants of property or any interest therein, including easements, for the purpose of constructing and operating a waterworks, a water distribution system, a sewerage collection system, or a sewage treatment and disposal system, or any combination of such systems or facilities; provided, however, that prior to condemning property in any political subdivision, any such entity shall first obtain the consent of the governing authority of such political subdivision, ~~which consent may~~ after the requirements of Chapter 1 of this title have been satisfied. Consent shall be granted by resolution or ordinance."

SECTION 22.

Said title is further amended by striking in its entirety Code Section 22-3-63, relating to authority to condemn property for the purpose of constructing a waterworks, water distribution system, sewage collection system, or sewage treatment and disposal system, and inserting in lieu thereof a new Code Section 22-3-63 to read as follows:

"22-3-63.

Any other provision of law to the contrary notwithstanding, any nongovernmental entity which:

- (1) Is privately owned and is operated under the collective management and control of the owners;
- (2) Was in the business of providing water supply and sewerage collection and disposal prior to July 1, 1978;
- (3) Has continuously owned a sanitary sewerage system since July 1, 1978, permitted by the Environmental Protection Division of the Department of Natural Resources; and
- (4) On May 1, 2000, owns and operates one or more sewerage collection treatment and disposal systems serving 1,000 or more customers

shall have the authority to condemn property or any interest therein, including easements, for the purpose of constructing and operating a waterworks, a water distribution system, a sewerage collection system, or a sewage treatment and disposal system, or any combination of such systems or facilities; provided, however, that such authority shall obtain the consent of the governing authority of the county or municipality that controls the land sought to be condemned in accordance with Code Section 22-3-60. The authority granted by this Code section shall extend only to such counties and those counties immediately adjacent to such counties in which such entity owned or operated such waterworks or systems or combination as of January 1, 2000; and provided, further, that the authority provided for in this Code section shall terminate with respect to any entity if any interest in such business is transferred to another person or entity except through inheritance."

SECTION 23.

Said title is further amended by striking in its entirety Code Section 22-4-3, relating to the applicability of Code Section 22-1-1, and inserting in lieu thereof a new Code Section 22-4-3 to read as follows:

"22-4-3.

The definitions contained in paragraphs ~~(1) and (3)~~ (5) and (7) of Code Section 22-1-1 shall not apply to this chapter."

SECTION 24.

Title 23 of the Official Code of Georgia Annotated, relating to equity, is amended by adding a new Code section to read as follows:

"23-3-73.

All municipalities, counties, and housing authorities shall have standing pursuant to this part."

SECTION 25.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking subparagraph (C) of paragraph (3) of Code Section 36-41-2, relating to legislative findings and declaration of public necessity, and inserting in lieu thereof the following:

"(C) Provide for the efficient and well-planned growth and development of the large municipalities, including the elimination and prevention of ~~slum areas and blight~~ blighted properties, and for the proper coordination of industrial facilities with public services, mass transportation facilities, and residential development, by providing an incentive for home ownership within the geographical limits of the large municipalities;"

SECTION 26.

Said title is further amended by striking subsection (b) of Code Section 36-42-8, relating to the powers of downtown development authorities generally, and inserting a new subsection (b) to read as follows:

"(b) The powers enumerated in each paragraph of subsection (a) of this Code section are cumulative of and in addition to those powers enumerated in the other paragraphs of subsection (a) of this Code section and elsewhere in this chapter; and no such power limits or restricts any other power of the authority except that, notwithstanding any other provision of this chapter, no authority described in this chapter shall be granted the power of eminent domain."

SECTION 27.

Said title is further amended by repealing Code Section 36-42-8.1, relating to the use of the power of eminent domain by a municipality or downtown development authority.

SECTION 28.

Said title is further amended by repealing subsection (c) of Code Section 36-44-6, relating to a redevelopment agency's ability to delegate the power of eminent domain, which reads as follows:

"(c) A downtown development authority which has been designated as a redevelopment agency pursuant to this chapter may exercise the powers of eminent domain subject to the procedures established in Chapter 42 of this title."

SECTION 29.

Said title is further amended by adding a new subsection to the end of Code Section 36-44-7, relating to redevelopment plan proposals by a redevelopment agency, and inserting in its place the following:

"(e) If any subsection of this Code section is in conflict with Title 22, the provisions of Title 22 shall control."

SECTION 30.

Said title is further amended by adding new paragraphs (2.1) and (4.1) and by striking paragraphs (17), (18), (19), (20), and (22) of Code Section 36-61-2, relating to definitions regarding urban development, and inserting in their place new paragraphs to read as follows:

"(2.1) 'Blight' or 'blighted property' means:

(A) Any urbanized or developed property which, as shown by government maintained statistics or other studies:

(i) Presents one or more of the following conditions:

(I) Uninhabitable, unsafe, or abandoned structures;

(II) Inadequate provisions for ventilation, light, air, sanitation, or open spaces;

(III) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law;

(IV) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental

contamination to an extent that requires remedial investigation or a feasibility study; or

(V) Repeated illegal use of individual structures and the maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and

(ii) Is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime in the redevelopment project area's present condition and use.

Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of blighted property unless the overall condition of the property results in ill health, transmission of disease, infant mortality, juvenile delinquency, or crime; or

(B) Property having tax liens or special assessment delinquency exceeding the fair market value of the property."

"(4.1) 'Clearance of blighted property and redevelopment' may include:

(A) Acquisition of blighted property or a portion thereof;

(B) Rehabilitation or demolition and removal of buildings and improvements;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and

(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan."

"(17) 'Rehabilitation' or 'conservation' may include the restoration and redevelopment of ~~a slum area~~ blighted property or a portion thereof, in accordance with an urban redevelopment plan, by:

(A) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(B) Acquisition of real property and rehabilitation or demolition and removal of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of slums or deterioration, or to provide land for needed public facilities;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter; and

(D) The disposition of any property acquired in such urban redevelopment area, including sale, initial leasing or retention by the municipality or county itself, at its fair value for uses in accordance with the urban redevelopment plan.

~~(18) 'Slum area' means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare. 'Slum area' also means an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; by having development impaired by airport or transportation noise or by other environmental hazards; or any combination of such factors substantially impairs or arrests the sound growth of a municipality or county, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Reserved.~~

~~(19) 'Slum clearance and redevelopment' may include:~~

- ~~(A) Acquisition of a slum area or portion thereof;~~
- ~~(B) Rehabilitation or demolition and removal of buildings and improvements;~~
- ~~(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and~~
- ~~(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan. Reserved.~~

~~(20) 'Urban redevelopment area' means a slum area blighted property which the local governing body designates as appropriate for an urban redevelopment project."~~

~~"(22) 'Urban redevelopment project' may include undertakings or activities of a municipality or county in an urban redevelopment area for the elimination and for the prevention of the development or spread of slums blighted properties and may involve slum clearance of blighted property clearance and redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban redevelopment area, or any combination or part thereof, in accordance with an urban redevelopment plan. Although the power of eminent domain may not be exercised for such purposes, such undertakings or activities may include:~~

- ~~(A) Acquisition, without regard to any requirement that the area be a slum or blighted area property, of air rights in an area consisting of lands and highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities~~

which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income; and

(B) Construction of foundations and platforms necessary for the provision of air rights sites of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income or construction of foundations necessary for the provision of air rights sites for development of nonresidential facilities."

SECTION 31.

Said title is further amended by striking subsection (c) of Code Section 36-61-7, relating to the preparation of a redevelopment plan, and inserting new subsection (c) to read as follows:

"(c) The local governing body of the municipality or county shall hold ~~or shall cause some agency of the municipality or county to hold~~ a public hearing on an urban redevelopment plan or a substantial modification of an approved urban redevelopment plan, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality or county. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban redevelopment area covered by the plan, and shall outline the general scope of the urban redevelopment project under consideration."

SECTION 32.

Said title is further amended by striking Code Section 36-61-9, relating to the use of the power of eminent domain in urban redevelopment, and inserting in its place a new Code section to read as follows:

"36-61-9.

(a) Except as otherwise provided in subsection (c) of this Code section, a municipality or county shall have the right to acquire, by exercise of the power of eminent domain, any real property which ~~it~~ the governing authority may deem necessary for ~~its purposes under this chapter~~ the remedy of blight, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. A municipality or county may exercise the power of eminent domain in the manner provided in Title 22; ~~or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain and in the manner set forth in this chapter~~. Property already devoted to a public use may be acquired, provided that no real property belonging to the municipality, the county, the state, or any political subdivision thereof may be acquired without its consent.

(b) Whenever condemnation proceedings are instituted and carried on by a municipality or county in accordance with subsection (a) of this Code section ~~or through any other method of condemnation provided by law~~, upon the payment by the

municipality or county seeking condemnation of the amount of the award and final judgment on appeal the municipality or county shall become vested with a fee simple indefeasible title to the property to which the condemnation proceedings relate. Such payment may be offset in whole or in part by the amount of any municipal or county tax liens on the condemned property and by any existing special assessments tax liens on the condemned property, including without limitation education or special district taxes collected by the municipality or county; provided, however, that any such setoff shall be subject to any existing tax liens having higher priority pursuant to Code Section 48-2-56 and to the interest in the condemned property of any known beneficiary of a year's support pursuant to Code Section 53-5-2 of the 'Pre-1998 Probate Code,' if applicable, or Code Sections 53-3-1, 53-3-2, 53-3-4, 53-3-5, and 53-3-7 of the 'Revised Probate Code of 1998'; provided, further, that where the condemned property is subject to a valid deed to secure debt, such setoff shall only be allowed for tax liens which arose as a result of an assessment against such property. It is declared to be necessary, to enable such municipalities and counties to exercise their powers under this Code section, that upon the condemnation proceedings being had, the municipalities and counties shall become vested with fee simple indefeasible title to the property involved in the proceedings.

(c) ~~Unless the property is to be acquired for the purpose of devoting it to a public use, a~~ A municipality or county may not acquire real property through the exercise of the power of eminent domain pursuant to subsection (a) of this Code section until the following conditions and requirements have been met:

(1) The municipality or county which adopted the urban redevelopment plan has approved a resolution authorizing the exercise of the power of eminent domain by the agency to acquire the property;

(2) The municipality or county shall, in writing, notify the owner of the real property proposed to be acquired of the planned rehabilitation of the property as set forth in the urban redevelopment plan for the urban redevelopment area wherein the property is located;

(3) The governing body of the municipality or county shall:

(A) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(B) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record, and if different from the property owner, to the parties in possession of the property, return receipt requested, or deliver such notice by statutory overnight delivery;

(C) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(D) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.;

~~(3)~~(4)(A) Within ~~30~~ 60 days after being so notified, the owner of the property shall have the option of notifying the municipality or county, in writing, of his or her willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan. In the event of multiple ownership of the property, unanimous agreement by the owners shall be required; and the failure of any one owner to notify the municipality or county, within the time limitation specified in this paragraph, of his or her willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan shall be deemed to be a failure to exercise the option provided in this paragraph; and.

(B) Notice of proposed condemnations under a redevelopment plan shall:

(i) Be posted in a conspicuous location on the site of the proposed condemnation at least 15 days prior to the condemnation hearing;

(ii) Be mailed with return receipt requested to the property owner's address of record or sent by statutory overnight delivery; and

(iii) Be placed in a newspaper of general circulation; and

~~(4)~~(5) The owner of the property may execute an agreement with the municipality or county to rehabilitate the property in accordance with the urban redevelopment plan. Any such agreement shall be as the municipality or county deems necessary and appropriate as to form and content; in connection therewith, the municipality or county shall have the right to require sufficient performance, payment, and completion bonds. In the event that any such owner, at any time, fails to comply with or defaults in the performance of the provisions of the agreement, such property shall no longer be subject to the agreement, the option provided by paragraph (3) of this subsection shall no longer apply, and the property may be acquired by the municipality or county by purchase or through the exercise of the power of eminent domain. In the alternative, the municipality or county may either specifically enforce the agreement, exercise any rights under any bonds which may have been required, and obtain any other legal or equitable relief as may be available to the municipality or county or, if the owner fails to exercise the option to rehabilitate the property or defaults on the agreement to rehabilitate the property, the municipality or county may implement those portions of the urban development plan with respect to such property to the extent the municipality or county deems necessary and the costs of implementing such plan shall be a lien against the property enforceable in the same manner as tax liens.

(d) Compliance with this Code section shall be in addition to and not in place of the requirements imposed by Title 22; provided, however, the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-11."

SECTION 33.

Said title is further amended by designating the existing text of Code Section 36-62-6, relating to the general powers of a development authority, as subsection (a) and by adding a new subsection, to be designated subsection (b), to read as follows:

"(b) This Code section shall not be construed as authorizing an authority as defined in this chapter to exercise the power of eminent domain."

SECTION 34.

Said title is further amended by striking paragraph (1) of subsection (a) of Code Section 36-82-62, relating to power as to undertakings and issuance of revenue bonds by government bodies, and inserting in its place a new paragraph (1) to read as follows:

"(1) To acquire, by gift, purchase, or the exercise of the right of eminent domain, and to construct, to reconstruct, to improve, to better, and to extend any undertaking wholly within or wholly outside the governmental body or partially within and partially outside the governmental body; and to acquire, by gift, purchase, or the exercise of the right of eminent domain, lands, easements, rights in lands, and water rights in connection therewith. Each exercise of eminent domain pursuant to this chapter shall be approved by resolution of the governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located. A government authority acting under this Code section shall notify the property owner pursuant to Code Section 36-82-86;".

SECTION 35.

Said title is further amended by inserting a new Code section to read as follows:

"36-82-86.

Any governing authority acting under Code Section 36-82-62 shall:

- (1) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;
- (2) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record, return receipt requested, or deliver such notice by statutory overnight delivery;
- (3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and
- (4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M."

SECTION 36.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended in Code Section 8-3-3, relating to definitions, by inserting a new paragraph (2.1) to read as follows:

"(2.1) 'Blight' or 'blighted property' means:

- (A) Any urbanized or developed property which, as shown by government maintained statistics or other studies:

- (i) Presents one or more of the following conditions:
 - (I) Uninhabitable, unsafe, or abandoned structures;
 - (II) Inadequate provisions for ventilation, light, air, sanitation, or open spaces;
 - (III) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law;
 - (IV) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental contamination to an extent that requires remedial investigation or a feasibility study; or
 - (V) Repeated illegal use of individual structures and the maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and
- (ii) Is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime in the redevelopment project area's present condition and use.

Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of blighted property unless the overall condition of the property results in ill health, transmission of disease, infant mortality, juvenile delinquency, or crime; or

(B) Property having tax liens or special assessment delinquency exceeding the fair market value of the property."

SECTION 37.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking the term "slum area" and inserting in its place the term "blighted property" wherever the former occurs in:

- (1) Code Section 36-61-7, relating to preparation of redevelopment plan, approval, modification, and effect of approval; and
- (2) Code Section 36-61-17, relating to exercise of redevelopment powers by municipalities and counties and delegation to redevelopment agency or housing authority.

SECTION 38.

Said title is further amended by striking the term "slum areas" and inserting in its place the term "blighted properties" wherever the former occurs in:

- (1) Code Section 36-61-5, relating to resolution of necessity prerequisite to exercise of urban redevelopment powers;
- (2) Code Section 36-61-6, relating to formulation of workable program for urban redevelopment; and

(3) Code Section 36-61-10, relating to disposal of property in redevelopment area generally, notice and bidding procedures, exchange with veterans' organization, and temporary operation of property.

SECTION 39.

Said title is further amended by striking the term "slums" and inserting in its place the term "blighted properties" wherever the former occurs in:

- (1) Code Section 36-61-6, relating to formulation of workable program for urban redevelopment; and
- (2) Code Section 36-61-10, relating to disposal of property in redevelopment area generally, notice and bidding procedures, exchange with veterans' organization, and temporary operation of property.

SECTION 40.

Said title is further amended by striking paragraphs (1), (6), and (9) of Code Section 36-61-8, relating to redevelopment powers of municipalities and counties generally, and inserting new paragraphs (1), (6), and (9) to read as follows:

"(1) To undertake and carry out urban redevelopment projects within its area of operation; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter; and to disseminate ~~slum~~ clearance of blighted property and urban redevelopment information;"

"(6) Within their area of operation, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation:

- (A) A general plan for the locality as a whole;
- (B) Urban redevelopment plans;
- (C) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, to include but not to be limited to making loans and grants from funds received from the federal government, as well as from funds received from the repayment of such loans and interest thereon, to persons, public or private, owning private housing for the purpose of financing the rehabilitation of such housing;
- (D) Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and
- (E) Appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban redevelopment projects.

The municipality or county is authorized to develop, test, and report methods and techniques and to carry out demonstrations and other activities for the prevention and elimination of ~~slums~~ blighted properties and to apply for, accept, and utilize grants of funds from the federal government for such purposes;"

"(9) Within their areas of operation, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality or county, in order that the objective of remedying ~~slums~~ blighted properties and preventing the causes thereof within the municipality or county may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or county or to reorganize existing offices in order to carry out such purpose most effectively."

SECTION 41.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. Sections 4, 7, 11, 17, 18, 30, and 36 and Code Sections 22-1-12, 22-1-13, and 22-1-14 as enacted by Section 10 of this Act shall apply to causes of action pending on the effective date of this Act.

SECTION 42.

All laws and parts of laws in conflict with this Act are repealed.

The following substitute, offered by the Committee on Rules, was read and adopted:

A BILL

To amend Titles 8, 22, 23, and 36 of the Official Code of Georgia Annotated, relating buildings and housing, eminent domain, equity, and local government, respectively, so as to provide for the comprehensive revision of provisions regarding the power of eminent domain; to provide for a short title; to change certain provisions regarding a housing authority's power of eminent domain; to change certain provisions regarding the acquisition powers of housing authorities; to change certain provisions relating to legislative findings regarding blighted properties; to provide for a new definition of blighted properties; to provide for other definitions; to provide for a public use requirement for exercising the power of eminent domain; to change certain provisions relating to the power of eminent domain and the presumption of a public use; to provide for attorney's fees in certain cases challenging the use of eminent domain; to provide certain exemptions to the applicability of the power of eminent domain to public utilities; to change certain provisions relating to the General Assembly's power to determine when eminent domain may be exercised; to provide for certain changes regarding eminent domain to require a public use; to change certain provisions regarding when the use of eminent domain is allowed; to provide guidelines for the use of condemnation; to provide for practice and procedure relative to condemnation; to provide for testimony relative to the value of condemned property; to provide for expedited hearings; to repeal provisions relating to certain appeals from assessor's awards; to change compensation for special masters; to change provisions relating to the right of appealing the award of the special master in condemnation proceedings; to change provisions relating to the use of condemnation by waterworks; to grant standing to municipalities, counties, and housing

authorities to seek certain equitable remedies and proceedings; to provide for certain notification requirements; to provide for certain restrictions regarding the use of eminent domain under or in connection with a redevelopment plan and urban redevelopment; to change certain provisions regarding who must conduct public hearings relating to redevelopment plans; to provide for reacquisition of condemned property under certain circumstances; to provide for reimbursement of reasonable costs and expenses incurred because of condemnation proceedings; to provide for certain exemptions; to provide for revisions for purposes of conformity; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "The Private Property Protection Act."

SECTION 2.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended by striking Code Section 8-3-31, relating to a housing authority's eminent domain power, and inserting in its place a new Code Section 8-3-31 to read as follows:

"8-3-31.

(a) After the adoption by the governing authority of the city or county of a resolution declaring that the acquisition of the real property described in the resolution is necessary for the purposes set forth in this chapter, a municipality, county, or housing authority ~~An authority~~ shall have the right to acquire by the exercise of the power of eminent domain any real property which is blighted and is deemed it may deem necessary for its the purposes of the resolution described in this subsection. ~~The exercise of the power of eminent domain authorized by this chapter shall be in the manner provided by Title 22, under this article after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.~~ Property already devoted to a public use may be acquired, except that no real property belonging to the city, the county, the state, or any political subdivision thereof may be acquired without the consent of such city, county, state, or other political subdivision.

(b) Each exercise of eminent domain under this article shall be by resolution by the governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located.

(c) Any governing authority acting under this Code section shall:

(1) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is

subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(2) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record, and if different from the property owner, to the parties in possession of the property, return receipt requested, or deliver such notice by statutory overnight delivery;

(3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.

(d) Compliance with this Code section shall be in addition to and not in the place of the requirements imposed by Chapter 1 of Title 22; provided, however, that the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-11."

SECTION 3.

Said title is further amended by striking Code Section 8-4-2, relating to legislative findings regarding blighted areas, and inserting a new Code Section 8-4-2 to read as follows:

"8-4-2.

It is found and declared:

(1) That there exist in many communities within this state blighted ~~areas~~ properties, as defined in Code Section 8-4-3, or ~~areas~~ properties in the process of becoming blighted;

(2) That ~~such areas impair economic values and tax revenues; that such areas~~ properties cause an increase in and spread of disease ~~and or~~ and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the state; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;

(3) That the clearance, replanning, and preparation for rebuilding of these ~~areas~~ properties and the prevention of the reduction of blight and its causes are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern;

(4) That ~~there are also certain areas where the condition of the title, the diverse ownership of the land to be assembled, the street or lot layouts, or other conditions prevent a proper development of the land which cloud title preventing the free transfer of property;~~ that it is in the public interest that ~~such areas, as well as~~ properties be acquired by eminent domain and made available for sound and wholesome development in accordance with a redevelopment plan; and that the exercise of the power of eminent domain and the financing of the acquisition and

preparation of land by a public agency for such redevelopment is likewise a public use and purpose;

(5) That redevelopment activities will stimulate residential construction which is closely correlated with general economic activity; and that such undertakings authorized by this chapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in achieving and maintaining full employment;

(6) That there exists an emergency housing shortage of decent, safe, and sanitary dwellings for families of low income; and

(7) That it is in the public interest that advance preparation for such projects and activities be made now; and that the necessity in the public interest for the provisions enacted by this chapter is declared as a matter of legislative determination."

SECTION 4.

Said title is further amended by striking Code Section 8-4-3, relating to definitions regarding blighted areas, and inserting in its place a new Code Section 8-4-3 to read as follows:

"8-4-3.

As used in this chapter, the term:

(1) ~~'Blighted areas' means:~~

~~(A) Areas in which there is a predominance of buildings or improvements, or which are predominantly residential in character, and which, by reason of:~~

~~(i) Dilapidation, deterioration, age, or obsolescence;~~

~~(ii) Inadequate provision for ventilation, light, air, sanitation, or open spaces;~~

~~(iii) High density of population and overcrowding;~~

~~(iv) The existence of conditions which endanger life or property by fire and other causes; or~~

~~(v) Any combination of such factors,~~

~~are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and are detrimental to the public health, safety, morals, or welfare; and~~

~~(B) Areas which, by reason of:~~

~~(i) The predominance of defective or inadequate street layout;~~

~~(ii) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;~~

~~(iii) Insanitary or unsafe conditions;~~

~~(iv) Deterioration of site improvements;~~

~~(v) Diversity of ownership;~~

~~(vi) Tax or special assessment delinquency exceeding the fair value of the land;~~

~~(vii) Defective or unusual conditions of title;~~

~~(viii) Improper subdivision or obsolete platting;~~

~~(ix) The existence of conditions which endanger life or property by fire or other causes; or~~

~~(x) Any combination of such factors, substantially impair or arrest the sound growth of the community, retard the provision of housing accommodations, or constitute an economic or social liability and are a menace to the public health, safety, morals, or welfare in their the area's present condition and use.~~

(1) 'Blighted property' or 'blight' means:

(A) Any urbanized or developed property which, as shown by government maintained statistics or other studies:

(i) Presents two or more of the following conditions:

(I) Uninhabitable, unsafe, or abandoned structures;

(II) Inadequate provisions for ventilation, light, air, sanitation, or open spaces;

(III) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law;

(IV) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental contamination to an extent that requires remedial investigation or a feasibility study; or

(V) Repeated illegal use of individual structures and the maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and

(ii) Is conducive to ill health, transmission of disease, infant mortality, or crime in the redevelopment project area's present condition and use.

Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of blighted property unless the overall condition of the property results in ill health, transmission of disease, infant mortality, or crime; or

(B) Property having tax liens or special assessment delinquency exceeding the fair market value of the property.

(2) 'Redevelopment plan' means a plan, other than a preliminary or tentative plan, for the acquisition, clearance, reconstruction, rehabilitation, or future use of a redevelopment project area. Such plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements and to indicate the proposed land uses and building requirements in the redevelopment project area.

(3) 'Redevelopment project' means:

(A) Any work or undertaking to acquire blighted property areas or portions thereof, including lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such blighted areas properties or to the prevention of the spread or recurrence of ~~slum~~ blighted conditions or conditions of blight;

(B) Any work or undertaking to clear any such ~~areas~~ blighted properties by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;

(C) Any work or undertaking to sell, lease, or otherwise make available land in such ~~areas~~ blighted properties for residential, recreational, commercial, industrial, or other use, or for public use or to retain such land for public use, in accordance with the redevelopment plan; and

(D) The preparation of a redevelopment plan; the planning, survey, and other work incident to a redevelopment project; and the preparation of all plans and arrangements for carrying out a redevelopment project."

SECTION 5.

Said title is further amended by striking Code Section 8-4-4, relating to the eminent domain powers of housing authorities, and inserting in its place a new Code Section 8-4-4 to read as follows:

"8-4-4.

(a) Any housing authority established pursuant to Article 1 of Chapter 3 of this title, the 'Housing Authorities Law,' is authorized to prepare or cause to be prepared redevelopment plans and to undertake redevelopment projects within its area of operation, in accordance with this chapter. In undertaking such redevelopment projects, a housing authority shall have all the rights, powers, privileges, and immunities that such authority has under Article 1 of Chapter 3 of this title, the 'Housing Authorities Law,' and any other provision of law relating to ~~slum~~ blight clearance and housing projects for persons of low income, including, without limiting the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations and give security therefor, to acquire real property by eminent domain or purchase after the governing authority within which the property is located has approved the acquisition and provided notice pursuant to subsections (b) and (c) of this Code section, and to do any and all things necessary to carry out projects in the same manner as though all of the provisions of law applicable to ~~slum~~ blight clearance and housing projects were applicable to redevelopment projects undertaken under this chapter, provided that nothing contained in Code Sections 8-3-11 and 8-3-12 shall be construed as limiting the power of an authority, in the event of a default by a purchaser or lessee of land in a redevelopment plan, to acquire property and operate it free from the restrictions contained in said Code sections.

(b) Each exercise of eminent domain under this chapter shall be by resolution by the governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located.

(c) Any governing authority acting under this Code section shall:

(1) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is

subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(2) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record and, if different from the property, to the parties in possession of the property, return receipt requested, or deliver such notice by statutory overnight delivery;

(3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.

(d) Compliance with this Code section shall be in addition to and not in place of the requirements imposed by Chapter 1 of Title 22, except that the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-11."

SECTION 6.

Said title is further amended by striking Code Section 8-4-8, relating to authorities acquiring and developing lands not within blighted areas for redevelopment projects, and inserting in its place a new Code section to read as follows:

"8-4-8.

(a) Upon a determination, by resolution, of the governing body of the city in which such land is located that the acquisition by purchase and development of undeveloped vacant land, not within a blighted area, is essential to the proper clearance or redevelopment of blighted areas or a necessary part of the general slum clearance program of the city, the acquisition by purchase, planning, preparation for development, or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in this chapter. The determination by the governing body shall not be made until such body finds that there is a shortage of decent, safe, and sanitary housing in the city; that such undeveloped vacant land will be developed for predominantly residential uses; and that the provision of decent, safe, and sanitary housing on such undeveloped vacant land is necessary to the relocation of families to be displaced from blighted areas in the city which are under redevelopment.

(b) In the undertaking of redevelopment projects on a regional or unified metropolitan basis, which projects involve the acquisition by purchase and development of undeveloped vacant land in one city as an adjunct to the redevelopment of blighted areas in another city, each determination or finding required in this Code section shall be made by the governing body of the city with respect to which the determination or finding relates."

SECTION 7.

Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended by striking Code Section 22-1-1, relating to eminent domain definitions, and inserting in its place a new Code Section 22-1-1 to read as follows:

"22-1-1.

As used in this title, the term:

- (1) 'Blight' shall have the same meaning as set forth in Code Section 8-4-3.
- (2) 'Common carrier' means any carrier required by law to convey passengers or freight without refusal if the approved fare or charge is paid.
- (3) 'Economic development' means any economic activity to increase tax revenue, tax base, employment, or general economic health, when the activity does not result in:
 - (A) Transfer of land to public ownership;
 - (B) Transfer of property to a private entity that is a public utility;
 - (C) Transfer of property to a private entity when eminent domain will remove a threat to public health or safety, such as the removal of public nuisances, removal of structures beyond repair or that are unfit for human habitation or use, or acquisition of abandoned property;
 - (D) Lease of property to private entities that occupy an incidental area within a public project; or
 - (E) The remedy of blight.
- (4) 'Each person with a legal claim' means the owner of the property or of any remainder, reversion, mortgage, lease, security deed, or other claim in the property.
- ~~(4)~~(5) 'Interest' means any title or nontitle interest other than fee simple title.
- ~~(2)~~(6) 'Persons' means individuals, partnerships, associations, and corporations, domestic or foreign.
- ~~(3)~~(7) 'Property' means fee simple title.
- (8)(A) 'Public use' means:
 - (i) The possession, occupation, and enjoyment of the land by the general public or by public agencies;
 - (ii) The use of land for the creation or functioning of public utilities;
 - (iii) The opening of roads, the construction of defenses, or the providing of channels of trade or travel;
 - (iv) The acquisition of property to cure an imminent, immediate, or ongoing harmful effect of the current use of the land, including the removal or abatement of public nuisances, structures that are beyond repair or that are unfit for human habitation or use, and the acquisition of abandoned property;
 - (v) The acquisition of property where, after a proceeding to quiet title, persons with an interest in the property remain unknown and unanimous consent is received from each person with a legal claim;
 - (vi) The remedy of blight;
 - (vii) The acquisition of property where persons with a legal claim unanimously consent to the acquisition; or
 - (viii) The remediation of blighted property for the purpose of creating a housing project as such term is defined in paragraph (10) of Code Section 8-3-3 which may include the transfer of ownership to private parties of residences within a housing project or use of a private enterprise agreement as defined in paragraph (13.1) of Code Section 8-3-3.

(B) The public benefit of economic development shall not constitute a public use.
(9) 'Public utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police and traffic signals and street lighting systems, which directly or indirectly serve the public. This term also means a person, municipal corporation, county, state agency, or public authority which owns or manages a utility as defined in this paragraph. This term shall also include common carriers."

SECTION 8.

Said title is further amended by striking Code Section 22-1-2, relating to the nature of eminent domain, and inserting in its place a new Code Section 22-1-2 to read as follows:

"22-1-2.

(a) The right of eminent domain is the right of the state, through its regular organization, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency and for the public good. Thus, in time of war or insurrection the proper authorities may possess and hold any part of the territory of the state for the common safety; ~~and in time of peace the General Assembly may authorize the appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing channels for trade or travel.~~ Notwithstanding any other provisions of law, neither this state nor any political subdivision thereof nor any other condemning entity shall use eminent domain unless it is necessary for public use.

(b) If property acquired through the power of eminent domain from an owner fails to be put to the stated public use within 12 years, the former owner may initiate an action in superior court to reacquire the property. Where the condemnor has not undertaken an action to put the property to public use, the superior court may declare that the former owner or his or her assigns and heirs shall have the right to reacquire such property for the original condemnation price plus interest at the rate of 3.5 percent amortized annually. The condemnor shall provide notice to each person with a legal claim if the condemnor fails to put the property to public use within 12 years. Each person with a legal claim shall have the right to pursue reacquisition in accordance with this subsection within four years from the date of the notice. The court may award attorney's fees and expenses of litigation to each person with a legal claim who successfully pursues a remedy pursuant to this subsection. This subsection shall not apply to condemnations subject to Code Section 22-3-162.

(c) In the case that property is acquired from more than one owner for the same public use and reacquisition by a single owner is impracticable, any party to the original condemnation or each person with a legal claim in such condemnation may file an action in the superior court where the property is located for an equitable resolution. This subsection shall not apply to condemnations subject to Code Section 22-3-162."

SECTION 9.

Said title is further amended by striking Code Section 22-1-3, relating to the General Assembly's power to determine when eminent domain may be exercised, and inserting in its place a new Code Section 22-1-3 to read as follows:

"22-1-3.

(a) It is the province of the General Assembly to determine when the right of eminent domain may be exercised. If, however, under pretext of such necessity the General Assembly should pass a law authorizing the taking of property for private use rather than for public use, the courts should declare the law inoperative.

(b) The court presiding over the condemnation shall determine, as a matter of law, whether the exercise of the power of eminent domain is for a public use. The condemning entity bears the burden of proof by the evidence presented that the condemnation is for an authorized public use."

SECTION 10.

Said title is further amended by inserting new Code sections to read as follows:

"22-1-9.

In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for property owners, and to promote public confidence in land acquisition practices, all condemnations shall, to the greatest extent practicable, be guided by the following policies and practices:

(1) The condemnor shall make every reasonable effort to acquire expeditiously real property by negotiation;

(2) Where the condemnor seeks to obtain a fee simple interest in real property, real property shall be appraised before the initiation of negotiations, and the owner or his or her designated representatives shall be given an opportunity to accompany the appraiser during his or her inspection of the property, except that the condemnor may, by law, rule, regulation, or ordinance, prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value;

(3) Before the initiation of negotiations for fee simple interest for real property the condemnor shall establish an amount which the condemnor believes to be just compensation and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the condemnor's independent fee appraisal of the fair market value of such property. The condemnor shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he or she established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated;

(4) No owner shall be required to surrender possession of real property before the condemnor pays the agreed purchase price or deposits with the court in accordance with this title, for the benefit of the owner, an amount not less than the condemnor's

appraisal of the fair market value of such property or the amount of the award of compensation in the condemnation proceeding for such property;

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his or her business or farm operation without at least 90 days' written notice from the condemnor of the date by which such move is required;

(6) If the condemnor permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the condemnor on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier;

(7) In no event shall the condemnor either advance the time of condemnation or defer negotiations or condemnation and the deposit of funds in court for the use of the owner or take any other bad faith action in order to compel an agreement on the price to be paid for the property;

(8) If any legal interest in real property is to be acquired by exercise of the power of eminent domain, the condemnor shall institute formal condemnation proceedings. No condemnor shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his or her real property; or

(9) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his or her right to receive just compensation for such property, donate such property, any part thereof, any legal interest therein, or any compensation paid to a condemnor, as such person shall determine.

22-1-10.

(a) Prior to the acquisition of any property pursuant to a redevelopment plan for blighted property, the condemnor shall file a petition in the superior court of the county which maintains jurisdiction over the property sought to be condemned. The petition shall set forth the reasons for the condemnation and provide a copy of the redevelopment plan. The condemnor shall provide notice of the petition to each person with a legal claim.

(b) The superior court shall determine, after notice and hearing, whether the condemnor has the legal authority to exercise the power of eminent domain, including whether the property identified by the condemnor is blighted. The condemnor shall have the burden of proof.

(c) The superior court may refer the matter to a special master. The special master shall file a report with the superior court providing all findings necessary to reach a decision.

(d) The hearing shall occur no less than 30 days after the petition is filed.

(e) The court having jurisdiction of a proceeding instituted by a condemnor to acquire real property by condemnation shall award the owner of any right or title to or interest in such real property such sum as will in the opinion of the court reimburse such owner

for his or her reasonable costs and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred, if:

- (1) The final judgment is that the condemnor cannot acquire the real property by condemnation; or
- (2) The proceeding is abandoned by the condemnor.

22-1-11.

(a) Before any action to approve the condemnation of property, the condemnor shall provide notice of such action to each person with a legal claim, other than governmental bodies, by statutory overnight delivery or certified mail.

(b) After the notice described in subsection (a) of this Code section is provided, the condemnor shall provide for a hearing of the condemnee or condemnees no less than 14 days after delivering or depositing the notice. The condemnor shall provide notice of the hearing to each person with a legal claim. The hearing shall be held by the condemning body authorized to institute the condemnation proceeding. If the condemnor is comprised of several persons, a quorum of the condemning body must attend the hearing. The hearing shall take place in the county of the property sought to be condemned. This subsection shall not apply to condemnations by public utilities or the Department of Transportation.

(c) Except as provided in subsection (d) of this Code section, no action may be brought in any court of this state until at least 30 days after the date of the hearing described in subsection (b) of this Code section; provided, however, that this requirement shall not apply to condemnations by public utilities or the Department of Transportation.

(d) If an emergency condition exists requiring the acquisition of property for the protection of the public health and safety, the condemnor may declare the existence of an emergency and adopt a resolution defining the emergency. Notice and hearing as required by this Code section may be waived by the condemning body in an emergency condition.

(e) If the notice filed pursuant to this Code section includes affidavits from known and located persons, each with a legal claim, and the affidavits state that each person with a legal claim does not oppose the condemnation, a hearing as required by subsection (b) of this Code section may be waived.

22-1-12.

In all actions where a condemnor exercises the power of eminent domain, the court having jurisdiction of a proceeding instituted by a condemnor to acquire real property by condemnation shall award the owner of any right or title to or interest in such real property such sum as will in the opinion of the court reimburse such owner for his or her reasonable costs and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if:

- (1) The final judgment is that the condemnor cannot acquire the real property by condemnation; or
- (2) The proceeding is abandoned by the condemnor.

22-1-13.

In addition to the types of relocation damages permissible under law, any condemnee that is displaced as a result of the condemnation shall be entitled to:

- (1) Actual reasonable expenses in moving himself or herself, his or her family, business, farm operation, or other personal property;
- (2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation; and
- (3) Such other relocation expenses as authorized by law.

22-1-14.

(a) When property is condemned under this title or any other title of this Code, the value of the condemned property may be determined through lay or expert testimony and its admissibility shall be addressed to the sound discretion of the court.

(b) If any party to a condemnation proceeding seeks to introduce expert testimony as to the issue of just and adequate compensation, Code Section 24-9-67.1 shall not apply."

SECTION 11.

Said title is further amended by repealing Code Section 22-2-84.1, relating to appeals to superior court from assessor's award, reasonable expenses, and liability of cost relating to issues of law.

SECTION 12.

Said title is further amended by striking Code Section 22-2-100, relating to the definition of "condemning body" and "condemnor," and inserting in its place a new Code section to read as follows:

"22-2-100.

As used in this article, 'condemning body' or 'condemnor' means:

- (1) The State of Georgia or any branch of the government of the State of Georgia;
- (2) Any county or municipality of the State of Georgia;
- (3) Any housing authority with approval of the governing authority as provided in Code Section 8-4-4;
- (4) Any other political subdivision of the State of Georgia which is vested with the power of eminent domain; and
- (5) All public utilities that possess the right or power of eminent domain. ~~All other persons possessing the right or power of eminent domain.~~

SECTION 13.

Said title is further amended by striking Code Section 22-2-102, relating to filing a petition of condemnation and certain requirements and rights attached to said petition, and inserting in its place a new Code section to read as follows:

"22-2-102.

- (a) In addition to the requirements set forth in Chapter 1 of this title, whenever ~~Whenever~~ it is desirable, for any reason, to arrive at a quick and certain determination

of the compensation to be paid first to the condemnee for the taking or damaging of private property, the condemnor shall:

(1) ~~File~~ File a petition in a superior court having jurisdiction for a judgment in rem against the property or interest therein, as provided in Code Section 22-2-130-; and

(2) At or before the filing of the petition, ~~the condemnor shall~~ present a copy of the petition to a judge of the superior court of the county wherein the property or interest sought to be condemned is located. Thereupon, the judge shall have a hearing in court, in chambers, or by telephone with the parties not less than ten days nor more than 30 days from the filing of the petition to appoint a special master. After such hearing, the judge shall make an order requiring the condemnor, the person in possession of the property or interest, and ~~any other person known to have any rights in the property~~ each person with a legal claim or interest to appear at a hearing before a special master at a time and place specified in the order and to make known their rights, if any, in and to the property or interest sought to be condemned, their claims as to the value of the property or interest, and any other matters material to their respective rights. ~~Except in condemnations for purposes of constructing or expanding one or more electric transmission lines, the~~

(b) The hearing before the special master shall take place not less than ~~ten~~ 30 days nor more than ~~15~~ 60 days after the date of ~~service~~ the entry of the order appointing the special master. ~~In condemnations for purposes of constructing or expanding one or more electric transmission lines, the hearing before the special master shall take place not less than 30 days and not more than 40 days after the date of service of the order.~~

(c) The order shall give such directions for notice and the service thereof as are appropriate and as are consistent with this article, in such manner as to provide most effectively an opportunity to all parties at interest to be heard. In condemnations for purposes of constructing or expanding one or more electric transmission lines, in addition to service of the order, a copy of the order shall be mailed by certified mail or sent by statutory overnight delivery to any person shown by the public ad valorem tax records of the county in which the property is located to have an interest in the property and to any other person having open and obvious possession of the property. It shall not be necessary to attach any other process to the petition except the order so made, and the cause shall proceed as in rem."

SECTION 14.

Said title is further amended by striking Code Section 22-2-102.1, relating to petitioning superior court for judgment in rem in cases of eminent domain, and inserting in its place a new Code section to read as follows:

"22-2-102.1.

(a) In addition to the requirements set forth in Chapter 1 of this title, whenever ~~Whenever~~ it shall be necessary for such condemning body to take or damage private property, or any interest or easement therein, in pursuance of any law so authorizing, for any public ~~purpose~~ use, and where, by reason of the necessities of the public needs, ~~of which the condemning body shall be the exclusive judge, and~~ it shall be desirable for

these reasons to have a quick and effective adjudication of the just and adequate compensation to be paid the owner or owners of such property before taking the same, and it shall be desirable to have a judicial ascertainment and judicial supervision of all questions and proceedings connected with the matter, such condemning body may, through any authorized representative, petition the superior court of the county having jurisdiction, for a judgment in rem against said property, or any easement or other interest in said property, condemning the same in fee simple to the use of the petitioner upon payment of just and adequate compensation therefor.

(b) A public utility exercising the right of eminent domain as prescribed by this title shall be the exclusive judge of public need and necessity absent bad faith or the condemnor acting beyond the powers conferred upon it by law."

SECTION 15.

Said title is further amended by striking Code Section 22-2-102.2, relating to contents of petition to superior court for judgment in rem in cases of eminent domain, and inserting in its place a new Code section to read as follows:

"22-2-102.2.

The petition referred to in Code Section 22-2-102.1 shall set forth:

- (1) The facts showing the right to condemn;
- (2) The property or interest to be taken or damaged;
- (3) The names and residences of the persons whose property or interests are to be taken or otherwise affected, so far as known;
- (4) A description of any unknown persons or classes of unknown persons whose rights in the property or interest are to be affected; ~~and~~
- (5) A statement setting forth the necessity to condemn the private property and describing the public use for which the condemnor seeks the property; and
- ~~(5)(6)~~ (6) Such other facts as are necessary for a full understanding of the cause."

SECTION 16.

Said title is further amended by striking Code Section 22-2-106, relating to compensation for special masters, and inserting in lieu thereof the following:

"22-2-106.

(a) The compensation of the special master shall be provided for by a proper order of the judge of the superior court; shall be included in and made a part of the judgment of the court condemning the property or any interest therein sought to be taken, such judgment to be based on the award of the special master; and shall be paid by the condemning body; ~~and shall not be less than 50.00 per day nor more than \$250.00 per day for the time actually devoted to the hearing and consideration of the matter by the special master.~~ Such compensation shall be left to the discretion of the court and shall not exceed a reasonable hourly rate consistent with local standards unless otherwise agreed upon by the parties with consent of the court. The compensation of the special master shall be assessed as court costs and shall be paid prior to the filing of any appeal from the judgment of the court; provided, however, that if such compensation has not

been determined and assessed at the time of filing any such appeal, the same shall be paid within 30 days from the date of assessment.

(b) The judge may allow the special master a reasonable period of time for personal inspection of the premises and may compensate the special master for his or her time spent inspecting the premises and for any actual expenses incurred by ~~him~~ the special master in connection with the inspection, provided that the special master shall file an affidavit with the court showing his or her time spent in inspection and itemizing his or her expenses."

SECTION 17.

Said title is further amended by striking Code Section 22-2-110, relating to the award of the special master in a condemnation hearing and the form used therein, and inserting in its place a new Code section to read as follows:

"22-2-110.

(a) The award of the special master or the special master panel, in the event such a panel exists, shall be filed with the clerk of the superior court of the county where the property or interest is situated within three days after the date on which such hearing is completed.

(b) The award shall become a part of the record of the proceedings in said matter and shall condemn and vest title to the property or other interest in the condemning body upon the deposit by that body of the amount of the award into the registry of the court, subject to the demand of such condemnee or condemnees, according to their respective interests.

(c) The award shall be in the following form:

AWARD

The special master appointed and chosen by the court to hear evidence and give full consideration to all matters touching upon the value of the property or interest sought to be condemned, as shown by the description of the property or interest in the case of _____ (condemning body) versus _____ (acres of land or other described interest in said land) and _____ (condemnee), Civil action file no. _____ in superior court, having first taken the oath as required by law of the special master, the same having been filed with the clerk of the Superior Court of _____ County, and the special master panel, in the event such a panel exists, having heard evidence under oath and given consideration to the value of such property or interest on the _____ day of _____, at ____:____.M., as provided for in the order of the court, do decide and recommend to the court as follows:

(1) I/We find and award to _____, condemnee, the sum of \$_____, as the actual market value of the property or interest sought to be condemned;

(2) I/We find consequential damages to the remaining property or interest in the amount of \$_____;

(3) I/We find consequential benefits to the remaining property or interest in the amount of \$_____ (never to exceed the amount of the consequential damages);

(4) I/We find and award to _____, condemnee, the sum of \$_____,
as the value of any associated moving costs;

(4)(5) Balancing the consequential benefits against the consequential damages, I/we find and award to the condemnee in this case in the total sum of \$_____, and I/we respectfully recommend to the court that the said property or interest be condemned by a judgment in rem to the use of the condemnor upon the payment of the last stated sum into the registry of the court, subject to the demands of the condemnee.

This _____ day of _____, ____.

Special Master

Assessor

Assessor

(d) In any case where there is an appeal from the award of the special master or the special master panel, in the event such a panel exists, to a jury in the superior court, such award shall not be competent evidence. Any such appeal shall be a de novo investigation, and such award shall be detached from the papers in the case before the same are delivered to the jury."

SECTION 18.

Said title is further amended by striking Code Section 22-2-112, relating to the right of appealing the award of the special master in condemnation proceedings, and inserting in its place a new Code section to read as follows:

"22-2-112.

(a) If the condemnor or any condemnee is dissatisfied with the amount of the award, an appeal shall be filed in the superior court and such appeal shall be filed within ten days from the entry of the award or the mailing of the award to the parties, whichever last occurs. ~~In case any party is dissatisfied with the amount of the award, he or she may, within ten days after the award is filed, enter in writing an appeal from the award to the superior court of the county where the award is filed. The provisions of Code Section 22-2-84.1, relating to reasonable expenses incurred on appeal, shall apply to any appeal under this Code section.~~ At the term succeeding the filing of the appeal, it shall be the duty of the judge to cause an issue to be made and tried by a jury as to the value of the property or interest taken or the amount of damage done, with the same right to move for a new trial and file an appeal as in other cases at law. The entering of an appeal and the proceedings thereon shall not hinder or delay in any way the condemnor's work or the progress thereof.

(b) The condemnee shall have the right to a jury trial on the issue of just and adequate compensation before the superior court having jurisdiction over the property sought to be condemned during the next term of court following the vesting of title in the condemnor. This right may be waived by the condemnee."

SECTION 19.

Said title is further amended by striking Code Section 22-2-131, relating to contents in a petition to the superior court for a judgment in rem, and inserting in its place a new Code section to read as follows:

"22-2-131.

(a) The petition referred to in Code Section 22-2-130 shall set forth:

- (1) The facts showing the right to condemn;
- (2) The property or interest to be taken or damaged;
- (3) The names and residences of the persons whose property or interests are to be taken or otherwise affected, so far as known;
- (4) A description of any unknown persons or classes of unknown persons whose rights in the property or interest are to be affected;
- (5) Such other facts as are necessary for a full understanding of the cause; ~~and~~
- (6) A statement setting forth the necessity to condemn the private property and describing the public use for which the condemnor seeks the property; and
- ~~(6)(7)~~ A prayer for such judgment of condemnation as may be proper and desired.

(b) If any of the persons referred to in this Code section are minors or under disability, the fact shall be stated."

SECTION 20.

Said title is further amended by striking Code Section 22-2-132, relating to requirements of notice and service upon presenting a petition for a judgment in rem, and inserting in its place a new Code section to read as follows:

"22-2-132.

(a) Upon presentation of the petition, the presiding judge ~~may~~ shall issue an order requiring the condemnor, the owner of the property or of any interest therein, and the representative of any owner to appear at a time and place named in the order and make known their objections if any, rights, or claims as to the value of the property or of their interest therein, and any other matters material to their respective rights; provided, however, that if the petition includes affidavits from known and located persons with a legal claim, stating that such condemnees do not oppose the condemnation, no hearing pursuant to this Code section shall be required.

(b) The day named in the order shall be as early as may be convenient but shall be no less than 20 days from the date of the petition, due regard being given to the necessities of notice.

(c) The order shall give appropriate directions for notice and the service thereof.

(d) It shall not be necessary to attach any other process to the petition except the order referred to in subsection (a) of this Code section, and the cause shall proceed as in rem."

SECTION 21.

Said title is further amended by striking in its entirety Code Section 22-3-60, relating to persons constructing and operating waterworks authorized to lease, purchase, or condemn property or interests, and inserting in lieu thereof a new Code Section 22-3-60 to read as follows:

"22-3-60.

Any nongovernmental entity constructing, owning, or operating any waterworks or sanitary sewerage system, or both, in this state shall have the right, power, privilege, and authority to lease, purchase, or condemn property or any interest therein, including easements, or to receive donations or grants of property or any interest therein, including easements, for the purpose of constructing and operating a waterworks, a water distribution system, a sewerage collection system, or a sewage treatment and disposal system, or any combination of such systems or facilities; provided, however, that prior to condemning property in any political subdivision, any such entity shall first obtain the consent of the governing authority of such political subdivision, ~~which consent may~~ after the requirements of Chapter 1 of this title have been satisfied. Consent shall be granted by resolution or ordinance."

SECTION 22.

Said title is further amended by striking in its entirety Code Section 22-3-63, relating to authority to condemn property for the purpose of constructing a waterworks, water distribution system, sewage collection system, or sewage treatment and disposal system, and inserting in lieu thereof a new Code Section 22-3-63 to read as follows:

"22-3-63.

Any other provision of law to the contrary notwithstanding, any nongovernmental entity which:

- (1) Is privately owned and is operated under the collective management and control of the owners;
- (2) Was in the business of providing water supply and sewerage collection and disposal prior to July 1, 1978;
- (3) Has continuously owned a sanitary sewerage system since July 1, 1978, permitted by the Environmental Protection Division of the Department of Natural Resources; and
- (4) On May 1, 2000, owns and operates one or more sewerage collection treatment and disposal systems serving 1,000 or more customers

shall have the authority to condemn property or any interest therein, including easements, for the purpose of constructing and operating a waterworks, a water distribution system, a sewerage collection system, or a sewage treatment and disposal system, or any combination of such systems or facilities; provided, however, that such

authority shall obtain the consent of the governing authority of the county or municipality that controls the land sought to be condemned in accordance with Code Section 22-3-60. The authority granted by this Code section shall extend only to such counties and those counties immediately adjacent to such counties in which such entity owned or operated such waterworks or systems or combination as of January 1, 2000; and provided, further, that the authority provided for in this Code section shall terminate with respect to any entity if any interest in such business is transferred to another person or entity except through inheritance."

SECTION 23.

Said title is further amended by striking in its entirety Code Section 22-4-3, relating to the applicability of Code Section 22-1-1, and inserting in lieu thereof a new Code Section 22-4-3 to read as follows:

"22-4-3.

The definitions contained in paragraphs ~~(1) and (3)~~ (5) and (7) of Code Section 22-1-1 shall not apply to this chapter."

SECTION 24.

Title 23 of the Official Code of Georgia Annotated, relating to equity, is amended by adding a new Code section to read as follows:

"23-3-73.

All municipalities, counties, and housing authorities shall have standing pursuant to this part."

SECTION 25.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking subparagraph (C) of paragraph (3) of Code Section 36-41-2, relating to legislative findings and declaration of public necessity, and inserting in lieu thereof the following:

"(C) Provide for the efficient and well-planned growth and development of the large municipalities, including the elimination and prevention of ~~slum areas and blight~~ blighted properties, and for the proper coordination of industrial facilities with public services, mass transportation facilities, and residential development, by providing an incentive for home ownership within the geographical limits of the large municipalities;"

SECTION 26.

Said title is further amended by striking subsection (b) of Code Section 36-42-8, relating to the powers of downtown development authorities generally, and inserting a new subsection (b) to read as follows:

"(b) The powers enumerated in each paragraph of subsection (a) of this Code section are cumulative of and in addition to those powers enumerated in the other paragraphs of subsection (a) of this Code section and elsewhere in this chapter; and no such power

limits or restricts any other power of the authority except that, notwithstanding any other provision of this chapter, no authority described in this chapter shall be granted the power of eminent domain."

SECTION 27.

Said title is further amended by repealing Code Section 36-42-8.1, relating to the use of the power of eminent domain by a municipality or downtown development authority.

SECTION 28.

Said title is further amended by repealing subsection (c) of Code Section 36-44-6, relating to a redevelopment agency's ability to delegate the power of eminent domain, which reads as follows:

"(c) A downtown development authority which has been designated as a redevelopment agency pursuant to this chapter may exercise the powers of eminent domain subject to the procedures established in Chapter 42 of this title."

SECTION 29.

Said title is further amended by adding a new subsection to the end of Code Section 36-44-7, relating to redevelopment plan proposals by a redevelopment agency, and inserting in its place the following:

"(e) If any subsection of this Code section is in conflict with Title 22, the provisions of Title 22 shall control."

SECTION 30.

Said title is further amended by adding new paragraphs (2.1) and (4.1) and by striking paragraphs (17), (18), (19), (20), and (22) of Code Section 36-61-2, relating to definitions regarding urban development, and inserting in their place new paragraphs to read as follows:

"(2.1) 'Blight' or 'blighted property' means:

(A) Any urbanized or developed property which, as shown by government maintained statistics or other studies:

(i) Presents two or more of the following conditions:

(I) Uninhabitable, unsafe, or abandoned structures;

(II) Inadequate provisions for ventilation, light, air, sanitation, or open spaces;

(III) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law;

(IV) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental contamination to an extent that requires remedial investigation or a feasibility study; or

(V) Repeated illegal use of individual structures and the maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and

(ii) Is conducive to ill health, transmission of disease, infant mortality, or crime in the redevelopment project area's present condition and use.

Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of blighted property unless the overall condition of the property results in ill health, transmission of disease, infant mortality, or crime; or

(B) Property having tax liens or special assessment delinquency exceeding the fair market value of the property."

"(4.1) 'Clearance of blighted property and redevelopment' may include:

(A) Acquisition of blighted property or a portion thereof;

(B) Rehabilitation or demolition and removal of buildings and improvements;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and

(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan."

"(17) 'Rehabilitation' or 'conservation' may include the restoration and redevelopment of a ~~slum area~~ blighted property or a portion thereof, in accordance with an urban redevelopment plan, by:

(A) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(B) Acquisition of real property and rehabilitation or demolition and removal of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of slums or deterioration, or to provide land for needed public facilities;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter; and

(D) The disposition of any property acquired in such urban redevelopment area, including sale, initial leasing or retention by the municipality or county itself, at its fair value for uses in accordance with the urban redevelopment plan.

~~(18) 'Slum area' means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any~~

~~combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare. 'Slum area' also means an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; by having development impaired by airport or transportation noise or by other environmental hazards; or any combination of such factors substantially impairs or arrests the sound growth of a municipality or county; retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Reserved.~~

~~(19) 'Slum clearance and redevelopment' may include:~~

- ~~(A) Acquisition of a slum area or portion thereof;~~
- ~~(B) Rehabilitation or demolition and removal of buildings and improvements;~~
- ~~(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and~~
- ~~(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan. Reserved.~~

~~(20) 'Urban redevelopment area' means a slum area blighted property which the local governing body designates as appropriate for an urban redevelopment project."~~

~~"(22) 'Urban redevelopment project' may include undertakings or activities of a municipality or county in an urban redevelopment area for the elimination and for the prevention of the development or spread of slums blighted properties and may involve slum clearance of blighted property clearance and redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban redevelopment area, or any combination or part thereof, in accordance with an urban redevelopment plan. Although the power of eminent domain may not be exercised for such purposes, such undertakings or activities may include:~~

- ~~(A) Acquisition, without regard to any requirement that the area be a slum or blighted area property, of air rights in an area consisting of lands and highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income; and~~

(B) Construction of foundations and platforms necessary for the provision of air rights sites of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income or construction of foundations necessary for the provision of air rights sites for development of nonresidential facilities."

SECTION 31.

Said title is further amended by striking subsection (c) of Code Section 36-61-7, relating to the preparation of a redevelopment plan, and inserting new subsection (c) to read as follows:

"(c) The local governing body of the municipality or county shall hold ~~or shall cause some agency of the municipality or county to hold~~ a public hearing on an urban redevelopment plan or a substantial modification of an approved urban redevelopment plan, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality or county. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban redevelopment area covered by the plan, and shall outline the general scope of the urban redevelopment project under consideration."

SECTION 32.

Said title is further amended by striking Code Section 36-61-9, relating to the use of the power of eminent domain in urban redevelopment, and inserting in its place a new Code section to read as follows:

"36-61-9.

(a) Except as otherwise provided in subsection (c) of this Code section, a municipality or county shall have the right to acquire, by exercise of the power of eminent domain, any real property which ~~it~~ the governing authority may deem necessary for ~~its purposes under this chapter~~ the remedy of blight, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. A municipality or county may exercise the power of eminent domain in the manner provided in Title 22; ~~or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain and in the manner set forth in this chapter~~. Property already devoted to a public use may be acquired, provided that no real property belonging to the municipality, the county, the state, or any political subdivision thereof may be acquired without its consent.

(b) Whenever condemnation proceedings are instituted and carried on by a municipality or county in accordance with subsection (a) of this Code section ~~or through any other method of condemnation provided by law~~, upon the payment by the municipality or county seeking condemnation of the amount of the award and final judgment on appeal the municipality or county shall become vested with a fee simple indefeasible title to the property to which the condemnation proceedings relate. Such payment may be offset in whole or in part by the amount of any municipal or county

tax liens on the condemned property and by any existing special assessments tax liens on the condemned property, including without limitation education or special district taxes collected by the municipality or county; provided, however, that any such setoff shall be subject to any existing tax liens having higher priority pursuant to Code Section 48-2-56 and to the interest in the condemned property of any known beneficiary of a year's support pursuant to Code Section 53-5-2 of the 'Pre-1998 Probate Code,' if applicable, or Code Sections 53-3-1, 53-3-2, 53-3-4, 53-3-5, and 53-3-7 of the 'Revised Probate Code of 1998'; provided, further, that where the condemned property is subject to a valid deed to secure debt, such setoff shall only be allowed for tax liens which arose as a result of an assessment against such property. It is declared to be necessary, to enable such municipalities and counties to exercise their powers under this Code section, that upon the condemnation proceedings being had, the municipalities and counties shall become vested with fee simple indefeasible title to the property involved in the proceedings.

(c) ~~Unless the property is to be acquired for the purpose of devoting it to a public use, a~~ A municipality or county may not acquire real property through the exercise of the power of eminent domain pursuant to subsection (a) of this Code section until the following conditions and requirements have been met:

(1) The municipality or county which adopted the urban redevelopment plan has approved a resolution authorizing the exercise of the power of eminent domain by the agency to acquire the property;

(2) The municipality or county shall, in writing, notify the owner of the real property proposed to be acquired of the planned rehabilitation of the property as set forth in the urban redevelopment plan for the urban redevelopment area wherein the property is located;

(3) The governing body of the municipality or county shall:

(A) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;

(B) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record, and if different from the property owner, to the parties in possession of the property, return receipt requested, or deliver such notice by statutory overnight delivery;

(C) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and

(D) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M.;

~~(3)(4)(A)~~ Within 30 60 days after being so notified, the owner of the property shall have the option of notifying the municipality or county, in writing, of his or her willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan. In the event of multiple ownership of the

property, unanimous agreement by the owners shall be required; and the failure of any one owner to notify the municipality or county, within the time limitation specified in this paragraph, of his or her willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan shall be deemed to be a failure to exercise the option provided in this paragraph; ~~and~~

(B) Notice of proposed condemnations under a redevelopment plan shall:

(i) Be posted in a conspicuous location on the site of the proposed condemnation at least 15 days prior to the condemnation hearing;

(ii) Be mailed with return receipt requested to the property owner's address of record or sent by statutory overnight delivery; and

(iii) Be placed in a newspaper of general circulation; and

~~(4)~~(5) The owner of the property may execute an agreement with the municipality or county to rehabilitate the property in accordance with the urban redevelopment plan. Any such agreement shall be as the municipality or county deems necessary and appropriate as to form and content; in connection therewith, the municipality or county shall have the right to require sufficient performance, payment, and completion bonds. In the event that any such owner, at any time, fails to comply with or defaults in the performance of the provisions of the agreement, such property shall no longer be subject to the agreement, the option provided by paragraph (3) of this subsection shall no longer apply, and the property may be acquired by the municipality or county by purchase or through the exercise of the power of eminent domain. In the alternative, the municipality or county may either specifically enforce the agreement, exercise any rights under any bonds which may have been required, and obtain any other legal or equitable relief as may be available to the municipality or county or, if the owner fails to exercise the option to rehabilitate the property or defaults on the agreement to rehabilitate the property, the municipality or county may implement those portions of the urban development plan with respect to such property to the extent the municipality or county deems necessary and the costs of implementing such plan shall be a lien against the property enforceable in the same manner as tax liens.

(d) Compliance with this Code section shall be in addition to and not in place of the requirements imposed by Title 22; provided, however, the requirements set forth in this Code section shall satisfy the requirements provided in Code Section 22-1-11."

SECTION 33.

Said title is further amended by designating the existing text of Code Section 36-62-6, relating to the general powers of a development authority, as subsection (a) and by adding a new subsection, to be designated subsection (b), to read as follows:

"(b) This Code section shall not be construed as authorizing an authority as defined in this chapter to exercise the power of eminent domain."

SECTION 34.

Said title is further amended by striking paragraph (1) of subsection (a) of Code Section

36-82-62, relating to power as to undertakings and issuance of revenue bonds by government bodies, and inserting in its place a new paragraph (1) to read as follows:

"(1) To acquire, by gift, purchase, or the exercise of the right of eminent domain, and to construct, to reconstruct, to improve, to better, and to extend any undertaking wholly within or wholly outside the governmental body or partially within and partially outside the governmental body; and to acquire, by gift, purchase, or the exercise of the right of eminent domain, lands, easements, rights in lands, and water rights in connection therewith. Each exercise of eminent domain pursuant to this chapter shall be approved by resolution of the governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located. A government authority acting under this Code section shall notify the property owner pursuant to Code Section 36-82-86;".

SECTION 35.

Said title is further amended by inserting a new Code section to read as follows:

"36-82-86.

Any governing authority acting under Code Section 36-82-62 shall:

- (1) Not less than 15 days before any meeting at which such resolution is to be considered post a sign, if possible, in the right of way adjacent to each property that is subject to the proposed use of the eminent domain power stating the time, date, and place of such meeting;
- (2) Not less than 15 days before any meeting at which such resolution is to be considered mail notice to the property owner at the address of record, return receipt requested, or deliver such notice by statutory overnight delivery;
- (3) Ensure that any notice that is required by law to be published be placed in a newspaper of general circulation, but such notice shall not be published in the legal notices section of such newspaper; and
- (4) Ensure that any meeting at which such resolution is to be considered and voted on shall commence after 6:00 P.M."

SECTION 36.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended in Code Section 8-3-3, relating to definitions, by inserting a new paragraph (2.1) to read as follows:

"(2.1) 'Blight' or 'blighted property' means:

- (A) Any urbanized or developed property which, as shown by government maintained statistics or other studies:
 - (i) Presents two or more of the following conditions:
 - (I) Uninhabitable, unsafe, or abandoned structures;
 - (II) Inadequate provisions for ventilation, light, air, sanitation, or open spaces;
 - (III) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the

Governor has declared a state of emergency under state law or has certified the need for disaster assistance under federal law;

(IV) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or environmental contamination to an extent that requires remedial investigation or a feasibility study; or

(V) Repeated illegal use of individual structures and the maintenance of the property is below state, county, or municipal codes for at least one year after notice of the code violation; and

(ii) Is conducive to ill health, transmission of disease, infant mortality, or crime in the redevelopment project area's present condition and use.

Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of blighted property unless the overall condition of the property results in ill health, transmission of disease, infant mortality, or crime; or

(B) Property having tax liens or special assessment delinquency exceeding the fair market value of the property."

SECTION 37.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking the term "slum area" and inserting in its place the term "blighted property" wherever the former occurs in:

(1) Code Section 36-61-7, relating to preparation of redevelopment plan, approval, modification, and effect of approval; and

(2) Code Section 36-61-17, relating to exercise of redevelopment powers by municipalities and counties and delegation to redevelopment agency or housing authority.

SECTION 38.

Said title is further amended by striking the term "slum areas" and inserting in its place the term "blighted properties" wherever the former occurs in:

(1) Code Section 36-61-5, relating to resolution of necessity prerequisite to exercise of urban redevelopment powers;

(2) Code Section 36-61-6, relating to formulation of workable program for urban redevelopment; and

(3) Code Section 36-61-10, relating to disposal of property in redevelopment area generally, notice and bidding procedures, exchange with veterans' organization, and temporary operation of property.

SECTION 39.

Said title is further amended by striking the term "slums" and inserting in its place the term "blighted properties" wherever the former occurs in:

(1) Code Section 36-61-6, relating to formulation of workable program for urban redevelopment; and

(2) Code Section 36-61-10, relating to disposal of property in redevelopment area generally, notice and bidding procedures, exchange with veterans' organization, and temporary operation of property.

SECTION 40.

Said title is further amended by striking paragraphs (1), (6), and (9) of Code Section 36-61-8, relating to redevelopment powers of municipalities and counties generally, and inserting new paragraphs (1), (6), and (9) to read as follows:

"(1) To undertake and carry out urban redevelopment projects within its area of operation; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter; and to disseminate ~~slum~~ clearance of blighted property and urban redevelopment information;"

"(6) Within their area of operation, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation:

(A) A general plan for the locality as a whole;

(B) Urban redevelopment plans;

(C) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, to include but not to be limited to making loans and grants from funds received from the federal government, as well as from funds received from the repayment of such loans and interest thereon, to persons, public or private, owning private housing for the purpose of financing the rehabilitation of such housing;

(D) Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and

(E) Appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban redevelopment projects.

The municipality or county is authorized to develop, test, and report methods and techniques and to carry out demonstrations and other activities for the prevention and elimination of ~~slums~~ blighted properties and to apply for, accept, and utilize grants of funds from the federal government for such purposes;"

"(9) Within their areas of operation, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality or county, in order that the objective of remedying ~~slums~~ blighted properties and preventing the causes thereof within the municipality or county may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or county or to reorganize existing offices in order to carry out such purpose most effectively."

SECTION 41.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. Sections 4, 7, 11, 17, 18, 30, and 36 and Code Sections 22-1-12, 22-1-13, and 22-1-14 as enacted by Section 10 of this Act shall apply to causes of action pending on the effective date of this Act.

SECTION 42.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, by substitute.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 173, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Jackson of the 161st and Mangham of the 94th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HR 1306. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A RESOLUTION proposing an amendment to the Constitution so as to require that the condemnation of property for redevelopment purposes must be approved by vote of the elected governing authority of the county or city in which the property is located; to restrict the use of eminent domain for redevelopment purposes to the elimination of affirmative harm; to provide that the use of eminent domain by counties and municipalities shall be subject to limitation by general law; to prohibit the use of eminent domain by certain nonelected local authorities; to provide for submission of this amendment for ratification or rejection; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Proposing an amendment to the Constitution so as to require that the condemnation of property for redevelopment purposes must be approved by vote of the elected governing authority of the county or city in which the property is located; to restrict the use of eminent domain for redevelopment purposes to the elimination of harm; to provide that the use of eminent domain by counties and municipalities shall be subject to limitation by general law; to prohibit the use of eminent domain by certain nonelected local authorities; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IX, Section II of the Constitution is amended by striking subparagraphs (a) and (b) of Paragraph VII and inserting in lieu thereof the following:

~~"(a) The General Assembly may authorize any county, municipality, or housing authority to undertake and carry out community redevelopment, which may include the sale or other disposition of property acquired by eminent domain to private enterprise~~

~~for private uses. Each condemnation of privately held property for redevelopment purposes must be approved by vote of the elected governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located. The power of eminent domain shall not be used for redevelopment purposes by any entity, except where authorized by general law to eliminate an existing harm to the community from blighted property, as defined by general law, or where persons with a legal claim to the property unanimously consent to condemnation.~~

(b) ~~In addition to the authority granted by subparagraph (a) of this Paragraph, the~~ The General Assembly is authorized to grant to counties or municipalities for redevelopment purposes and in connection with redevelopment programs, as such purposes and programs are defined by general law, the power to issue tax allocation bonds, as defined by such law, and the power to incur other obligations, without either such bonds or obligations constituting debt within the meaning of Section V of this article, and the power to enter into contracts for any period not exceeding 30 years with private persons, firms, corporations, and business entities. Notwithstanding the grant of these powers pursuant to general law, no county or municipality may exercise these powers unless so authorized by local law and unless such powers are exercised in conformity with those terms and conditions for such exercise as established by that local law. The provisions of any such local law shall conform to those requirements established by general law regarding such powers. No such local law, or any amendment thereto, shall become effective unless approved in a referendum by a majority of the qualified voters voting thereon in the county or municipality directly affected by that local law."

SECTION 2.

Said Article IX, Section II of the Constitution is further amended by striking Paragraph V and inserting in lieu thereof the following:

"Paragraph V. ***Eminent domain.*** The governing authority of each county and of each municipality may exercise the power of eminent domain for any public purpose subject to any limitations on the exercise of such power as may be provided by general law. Notwithstanding the provisions of any local amendment to the Constitution continued in effect pursuant to Article XI, Section I, Paragraph IV or any existing general law, each exercise of eminent domain by a nonelected housing or development authority shall be first approved by the elected governing authority of the county or municipality within which the property is located."

SECTION 3.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

- "() YES Shall the Constitution of Georgia be amended so as to prohibit the use of eminent domain by certain nonelected authorities and to prohibit the contested use of eminent domain for redevelopment purposes except to eliminate harm to a community from blighted property as defined by general law?"
- () NO

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix

Y Cooper
Y Cox

Y Henson
Y Hill, C

Y Manning
Y Marin

Y Royal
Y Rynders

Y Yates
Richardson,
Speaker

On the adoption of the Resolution, by substitute, the ayes were 174, nays 1.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

HR 1306

While HB 1313 contains many improvements over current law, there still remains the possibility that government can take private property & transfer it to another private entity. Since the bill does not prohibit the use of eminent domain for private development it is with reluctance that I must vote "NO".

Franklin

HB 1320. By Representatives Smith of the 70th, Burkhalter of the 50th, Ralston of the 7th, Willard of the 49th, Rice of the 51st and others:

A BILL to be entitled an Act to extensively revise various provisions of the O.C.G.A. relating to littering and related environmental offenses; and for other purposes.

The following Committee substitute was read:

A BILL

To extensively revise various provisions relating to littering and related environmental offenses; to provide a short title; to amend Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, so as to change certain provisions relating to littering public and private property; to change certain provisions relating to waste control; to provide for impoundment of vehicles involved in certain littering offenses; to amend Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to elections and primaries generally, so as to change certain provisions relating to prohibited placement of campaign posters, signs, and advertisements; to amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, so as to change certain provisions relating to definitions relative to solid waste; to provide for reports by the Department of Community Affairs concerning prevention and abatement of litter; to change certain provisions relating to definitions relative to hazardous waste management; to change certain provisions relating to definitions relative to hazardous site response; to amend of Title 15 of the Official Code of Georgia Annotated, relating to

courts, so as to provide for jurisdiction of certain courts over littering offenses; to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to provide for trial of certain littering offenses upon a summons or citation without an accusation; to change certain provisions relating to acceptance of cash bonds in lieu of statutory bond or recognizance by officers or officials authorized to enforce the "Litter Control Law"; to amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, so as to change certain provisions relating to securing loads on vehicles; to change certain provisions relating to erection, placement, or maintenance of an unlawful or unauthorized structure and removal thereof; to change certain provisions relating to littering highways; to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to municipal courts, so as to provide for jurisdiction over littering offenses; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change certain provisions relating to suspension or revocation of drivers' licenses of habitually negligent or dangerous drivers and the points system; to provide for editorial revisions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

This Act shall be known and may be cited as the "Comprehensive Litter Prevention and Abatement Act of 2006."

PART II
SECTION 2-1.

Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, is amended by striking Part 2, relating to littering public and private property, and inserting in lieu thereof the following:

"Part 2

16-7-40.

~~This part shall be known and may be cited as the 'Litter Control Law.'~~ Reserved.

16-7-41.

~~Repealed.~~ Reserved.

16-7-42.

As used in this part, the term:

(1) ~~'Litter' means all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description which are not waste as such term is defined in paragraph (6) of Code Section 16-7-51~~ any discarded or abandoned:

(A) Refuse, rubbish, junk, or other waste material; or

(B) Dead animals that are not subject to the provisions of Code Section 4-5-4.

(2) 'Public or private property' means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; ~~and~~ residential or farm properties, timberlands, or forests; or any commercial or industrial property.

16-7-43.

(a) It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this state or any waters in this state, unless:

(1) The ~~property area~~ is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to so use such property area;

(2) The litter is placed into a nondisposable litter receptacle or container installed on such property designed for the temporary storage of litter and located in an area designated by the owner or tenant in lawful possession of the property; or

(3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

(b)(1) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor, ~~and, upon conviction thereof, shall be punished as follows:~~

~~(1) By a fine of not less than \$200.00 nor more than \$1,200.00; and~~

(2) In addition to the punishment provided under paragraph (1) of this subsection:

~~(2)(A)~~ (A) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right of way for a distance not to exceed one mile any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

(B) In the sound discretion of the judge of the court, the person may be directed to pick up and remove from any public beach, public park, private right of way, or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

~~(c)(1) The court may publish the names of persons~~ cause to be published a notice of conviction for each person convicted of violating subsection (a) of this Code section. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of a nonresident,

in the legal organ of the county in which the person was convicted. Such notice of conviction shall contain the name and address of the convicted person; date, time, and place of arrest; and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed for the cost of publication of such notice, and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section.

(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.

(d) Any county, municipality, consolidated government, or law enforcement agency thereof of this state which is empowered by Code Section 16-7-45 or other law to enforce the provisions of this Code section or local littering ordinances may, in its discretion, appoint any person who is a citizen of the United States, is of good moral character, and has not previously been convicted of a felony to enforce the provisions of this Code section or local littering ordinances within the county, ~~or~~ municipality, or consolidated government in which the appointing agency exercises jurisdiction. Each person appointed pursuant to this Code section shall take and subscribe an oath of office as prescribed by the appointing authority. Any person appointed and sworn pursuant to this subsection shall be authorized to enforce the provisions of this Code section or local littering ordinances in the same manner as any employee or law enforcement officer of this state or any county, ~~or~~ municipality, or consolidated government of this state subject to the limitations provided in subsections (e) and (f) of this Code section.

(e) No person appointed pursuant to subsection (d) of this Code section shall be deemed a peace officer under the laws of this state or:

(1) Be deemed to be an employee of or receive any compensation from the state, county, municipality, consolidated government, or appointing law enforcement agency;

(2) Be required to complete any training or be certified pursuant to the requirements of Chapter 8 of Title 35;

(3) Have the power or duty to enforce any ~~other~~ traffic or other criminal laws of the state, county, ~~or~~ municipality, or consolidated government;

(4) Have the power to possess and carry firearms and other weapons for the purpose of enforcing the littering laws; or

(5) Be entitled to any indemnification from the state, county, ~~or~~ municipality, or consolidated government for any injury or property damage sustained by such person as a result of attempting to enforce the littering laws of this state or any local government.

(f) Notwithstanding any law to the contrary, neither the state nor any county, municipality, or ~~other political subdivision~~ consolidated government of this state or any department, agency, board, or officer of this state or any county, municipality, or ~~political subdivision~~ consolidated government of this state shall be liable or accountable for or on account of any act or omission of any person appointed pursuant to this Code section in connection with such person's enforcement of the provisions of this Code section or local littering ordinances.

(g) It shall be unlawful for any person willfully to obstruct, resist, impede, or interfere with any person appointed pursuant to this Code section in connection with such person's enforcement of this Code section or local littering ordinances or to retaliate or discriminate in any manner against such person as a reprisal for any act or omission of such person. Any violation of this subsection shall be punishable as a misdemeanor.

16-7-44.

(a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of Code Section 16-7-43, ~~it shall be prima facie evidence~~ the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that the operator of the conveyance has violated this part.

(b) Except as provided in subsection (a) of this Code section, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of Code Section 16-7-43 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, ~~it shall be a rebuttable presumption~~ the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this part.

16-7-45.

All law enforcement agencies, officers, and officials of this state or any political subdivision thereof or any enforcement agency, officer, or any official of any commission or authority of this state or any political subdivision thereof is authorized, empowered, and directed to enforce compliance with this part.

16-7-46.

All public authorities and agencies having supervision of properties of this state are authorized, empowered, and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where the property is frequented by the public, to post signs directing persons to the receptacles and serving notice of the provisions of this part, and to otherwise publicize the availability of litter receptacles and requirements of this part.

16-7-47.

(a) As used in this Code section, the term 'household garbage' means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

(b) The governing authority of each county, municipality, or consolidated government of this state which provides containers for the dumping of trash or garbage therein shall be authorized to designate any or all such containers as being suitable for the dumping therein of household garbage only. If a container is clearly marked 'household garbage only,' it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.

(c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by any county, municipality, or consolidated government for the dumping of trash or garbage.

(d) Any person who violates subsection (b) or (c) of this Code section shall be guilty of a misdemeanor.

16-7-48.

(a) Nothing in this part shall limit the authority of any state agency, county, municipality, or consolidated government to enforce any other laws, rules, or regulations relating to litter.

(b) Nothing within this part shall be construed to prohibit the adoption of local ordinances regulating and controlling litter within the corporate limits of a municipality jurisdiction of any county, municipality, or consolidated government. Violation of such ordinances shall be punished as provided in the municipal charter or local ordinances."

SECTION 2-2.

Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, is amended by striking Part 3, relating to waste control, and inserting in lieu thereof the following:

"Part 3

16-7-50.

~~This part shall be known and may be cited as the 'Waste Control Law.'~~ Reserved.

16-7-51.

As used in this part, the term:

(1) 'Biomedical waste' means that term as defined in paragraph (1.1) of Code Section 12-8-22 ~~on January 1, 1993.~~

(2) 'Commercial purpose' means for the purpose of economic gain.

(3) 'Dump' means to throw, discard, place, deposit, discharge, burn, or dispose of a substance.

~~(6)(4)~~ 'Egregious litter' 'Waste' means all ~~discarded substances and materials whatsoever~~ litter, as such term is defined in paragraph (1) of Code Section 16-7-42, exceeding ten pounds in weight or 15 cubic feet in volume; ~~or any such discarded or abandoned substance in any weight or volume if biomedical waste, hazardous waste, or a hazardous substance, or; or any such substance or material dumped for commercial purposes.~~ Such term includes, without limitation, sand; gravel; slag; brickbats; rubbish; waste material; tin cans; refuse; garbage; trash; debris; dead animals; bottles; boxes; containers; papers; tobacco products; tires; appliances; mechanical equipment or parts; building or construction materials; tools; machinery; wood; motor vehicles and motor vehicle parts; vessels; aircraft equipment; waste oil; batteries; antifreeze; sludge from a waste-water treatment facility, water supply treatment plant, or air pollution control facility; air contaminants from any source or facility; and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.

~~(4)(5)~~ 'Hazardous substance' means that term as defined in paragraph (4) of Code Section 12-8-92 on January 1, 1993.

~~(5)(6)~~ 'Hazardous waste' means that term as defined in paragraph (10) of Code Section 12-8-62 on January 1, 1993.

16-7-52.

It shall be unlawful for any person to dump ~~waste~~ egregious litter unless authorized to do so by law or by a duly issued permit:

- (1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping;
- (2) In or on any fresh-water lake, river, canal, or stream or tidal or coastal water of the state; or
- (3) In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any other state law, rule, or regulation.

16-7-53.

(a) Any person who dumps ~~waste~~ egregious litter in violation of Code Section 16-7-52 in an amount not exceeding 500 pounds in weight or 100 cubic feet in volume which is not biomedical waste, hazardous waste, or a hazardous substance and not for commercial purposes shall be guilty of a misdemeanor of a high and aggravated nature. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

(b) Any person who dumps ~~waste~~ egregious litter in violation of Code Section 16-7-52 in an amount exceeding 500 pounds in weight or 100 cubic feet in volume which is not biomedical waste, hazardous waste, or a hazardous substance and not for commercial purposes shall upon the first offense be guilty of a misdemeanor of a high and aggravated nature ~~and shall upon~~. Upon the second and each subsequent offense such

person shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$25,000.00 for each violation or imprisoned for not more than ~~two~~ five years, or both; provided, however, that the portion of any term of imprisonment exceeding two years shall be probated conditioned upon payment of a fine imposed under this subsection. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

(c) Any person who dumps ~~waste~~ egregious litter in violation of Code Section 16-7-52 in any quantity if the ~~waste~~ substance is biomedical waste, hazardous waste, or a hazardous substance or if the dumping is for commercial purposes shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$25,000.00 for each violation or imprisoned for not more than ~~two~~ five years, or both; provided, however, that the portion of any term of imprisonment exceeding two years shall be probated conditioned upon payment of a fine imposed under this subsection. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

(d) In addition to the penalties provided in subsections (a) and (b) of this Code section, the court may order the violator to remove or render harmless any ~~waste~~ egregious litter dumped in violation of Code Section 16-7-52, repair or restore property damaged by or pay damages resulting from such dumping, or perform public service related to the removal of illegally dumped ~~waste~~ egregious litter or to the restoration of an area polluted by such ~~waste~~ substance.

(e)(1) The court may cause to be published a notice of conviction for each person convicted of violating any provision of this Code section. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of a nonresident, in the legal organ of the county in which the person was convicted. Such notice of conviction shall contain the name and address of the convicted person; date, time, and place of arrest; and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed the cost of publication of such notice, and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section.

(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.

16-7-53.1.

(a) Whenever a person has been arrested for a violation of Code Section 16-7-52 committed while driving, moving, or operating a vehicle, the arresting law enforcement agency may impound the vehicle that the person was driving, moving, or operating at

the time of arrest until such time as the arrestee claiming the vehicle meets the conditions for release in subsection (b) of this Code section or a person other than the arrestee meets the conditions for release in subsection (c) of this Code section.

(b) A vehicle impounded pursuant to this Code section shall not be released unless the person claiming the vehicle:

(1) Presents a valid driver's license, proof of ownership or lawful authority to operate the motor vehicle, and proof of valid motor vehicle insurance for that vehicle; and

(2) Is able to operate the vehicle in a safe manner and would not be in violation of Title 40.

(c) A vehicle impounded pursuant to this Code section may be released to a person other than the arrestee only if:

(1) The vehicle is not owned or leased by the person under arrest and the person who owns or leases the vehicle claims the vehicle and meets the conditions for release in subsection (b) of this Code section; or

(2) The vehicle is owned or leased by the arrestee, the arrestee gives written permission to another person to operate the vehicle, and the conditions for release in subsection (b) of this Code section are met.

(d) A law enforcement agency impounding a vehicle pursuant to this Code section may charge a reasonable fee for towing and storage of the vehicle. The law enforcement agency may retain custody of the vehicle until that fee is paid.

16-7-54.

Whenever any ~~waste~~ egregious litter which is dumped in violation of Code Section 16-7-52 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon, addressed to such person or in any other manner indicating that the article belongs or belonged to such person, ~~it shall be a rebuttable presumption the trier of fact may in its discretion and in consideration of the totality of the circumstances infer~~ that such person has violated this part.

16-7-55.

(a) Nothing in this part shall limit the authority of any state agency, county, municipality, or consolidated government to enforce any other laws, rules, or regulations relating to ~~waste~~ egregious litter or the management of solid, biomedical, or hazardous waste.

(b) Nothing within this part shall be construed to prohibit the adoption of local ordinances regulating and controlling egregious litter within the jurisdiction of any county, municipality, or consolidated government. Violation of such ordinances shall be punished as provided in the municipal charter or local ordinances.

16-7-56.

Nothing in this part shall be construed so as to repeal, supersede, amend, or modify any provision of Title 12."

SECTION 2-3.

Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to elections and primaries generally, and Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, are amended by striking Code Section 21-2-3, relating to prohibited placement of campaign posters, signs, and advertisements, and inserting in lieu thereof in said Article 2 of Chapter 7 of Title 16 the following:

"Part 3A

21-2-3 16-7-58.

(a) It shall be unlawful for any person to place ~~campaign~~ posters, signs, ~~and~~ or advertisements:

(1) ~~Within the right of way of any public streets, roads, or highways;~~

~~(2)~~(1) On any public property or building, unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; provided, however, that signs within the rights of way of public roads shall be governed by Code Section 32-6-51;

~~(3)~~(2) On any private property unless the owner thereof or the occupier as authorized by such owner has given permission to place such ~~campaign~~ posters, signs, ~~and~~ or advertisements on such property; or

~~(4) Reserved;~~

~~(5)~~(3) On any property zoned for commercial or industrial uses if the placement of such ~~campaign~~ posters, signs, ~~and~~ or advertisements conflicts with any zoning laws or ordinances.

(b) Whenever any poster, sign, or advertisement placed in violation of this Code section contains writing which displays the name of a person thereon or in any other manner indicates that the poster, sign, or advertisement belongs or belonged to such person or promotes or advertises for the benefit of such person, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this Code section.

(c) Any poster, sign, or advertisement placed in violation of paragraph (1) of subsection (a) of this Code section is declared to be a public nuisance, and the officials having jurisdiction of the public property or building, including without limitation law enforcement officers, may remove or direct the removal of the same.

(d) Each poster, sign, or advertisement placed in violation of this Code section shall constitute a separate offense.

~~(b)~~(e) Any person who violates this Code section ~~shall be guilty of a misdemeanor~~ shall be punished the same as for littering under Code Section 16-7-43."

**PART III
SECTION 3-1.**

Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, is amended by striking paragraph (1.1) of Code Section 12-8-22, relating to definitions relative to solid waste, and inserting in lieu thereof the following:

"(1.1) 'Biomedical waste' means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Rule 391-3-4-.15 of the board as such rule existed on January 1, 2006, and other such waste materials."

SECTION 3-2.

Said chapter is further amended in Code Section 12-8-31, relating to a solid waste management plan, by adding a new subsection to read as follows:

"(e) By December 31, 2006, and annually thereafter, the Department of Community Affairs, as part of the annual solid waste report required in subsection (d) of this Code section and in cooperation with state agencies and other entities involved in litter prevention or abatement, shall report to the Governor and the General Assembly the status of litter prevention and abatement in this state. The litter report shall include but not be limited to:

- (1) An itemization of expenditures made from the Solid Waste Trust Fund for the prevention and abatement of litter;
- (2) A compilation and analysis of litter prevention, collection, and enforcement efforts;
- (3) An assessment of littering in this state;
- (4) A statement of progress in achieving a litter prevention ethic; and
- (5) Recommendations for improving litter abatement and prevention efforts."

SECTION 3-3.

Said chapter is further amended by striking paragraph (10) of Code Section 12-8-62, relating to definitions relative to hazardous waste management, and inserting in lieu thereof the following:

"(10) 'Hazardous waste' means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on ~~February 1, 1996~~ January 1, 2006, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste."

SECTION 3-4.

Said chapter is further amended by striking paragraph (4) of Code Section 12-8-92, relating to definitions relative to hazardous site response, and inserting in lieu thereof the following:

"(4) 'Hazardous substance' means any substance listed on the List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R., Part 302, Table 302.4, in force and effect on February 1, 1996, or any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 C.F.R., Part 355, Appendix A, in force and effect on ~~February 1, 1996~~ January 1, 2006."

SECTION 3-5.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding a new Code section to read as follows:

"15-9-30.7.

(a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the probate courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.

(b) A probate court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-6.

Said title is further amended by adding a new Code section to read as follows:

"15-10-2.1.

(a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the magistrate courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.

(b) A magistrate court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-7.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking Code Section 17-6-9, relating to acceptance of cash bonds in lieu of statutory bond or recognizance by officers or officials authorized to enforce the "Litter Control Law," and inserting in lieu thereof the following:

"17-6-9.

Any law enforcement officer or official of a political subdivision of this state who is authorized to enforce Part 2 of Article 2 of Chapter 7 of Title 16, ~~the 'Litter Control Law,'~~ and who is authorized by the judge having jurisdiction of the offense to accept cash bonds may accept a cash bond for the personal appearance at trial of the person arrested in lieu of a statutory bond or recognizance. The procedures connected with such cash bonds, including, but not limited to, duties of the arresting officer, forfeiture, distribution of proceeds, and discretion of court as to disposal of the cash bond, shall be the same procedures applicable to arrest by a sheriff for a violation of any litter law."

SECTION 3-8.

Said title is further amended by adding a new Code section to read as follows:

"17-7-73.

In probate, magistrate, and municipal courts that have jurisdiction over violations of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that are punishable as misdemeanors in accordance with Code Section 15-9-30.7, 15-10-2.1, or 36-32-10.3 such offenses may be tried upon a summons or citation with or without an accusation."

SECTION 3-9.

Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, and Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, are amended by striking Code Section 32-6-21, relating to securing loads on vehicles, and inserting in lieu thereof in said Title 40 the following:

~~"32-6-21~~ 40-6-248.1.

(a) As used in this Code section, the term 'litter' has the meaning provided by paragraph (1) of Code Section 16-7-42.

~~(a)(a.1)~~ No vehicle shall be driven or moved on any public road unless such vehicle is constructed or loaded or covered so as to prevent any of its load from dropping, escaping, or shifting in such a manner as to ~~create~~:

(1) Create a safety hazard; or

(2) Deposit litter on public or private property while such vehicle is on a public road.

However, this Code section shall not prohibit the necessary spreading of any substance in public road maintenance or construction operations.

(b) No person shall operate or load for operation, on any public road, any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent said covering or load from becoming:

(1) Becoming loose, detached, or in any manner becoming a hazard to other users of the public road; or

(2) Depositing litter on public or private property while such vehicle is on a public road.

(c) Nothing in this Code section nor any regulations based thereon shall conflict with federal, Georgia Public Service Commission, or Georgia Board of Public Safety regulations applying to the securing of loads on motor vehicles.

(d) The provisions of paragraph (2) of subsection (a) and paragraph (2) of subsection (b) of this Code section and regulations based thereon shall not apply to vehicles carrying organic debris that escapes during the transportation of silage from field or farm to storage and storage to feedlot or vehicles or equipment carrying unginned cotton during the transportation of agricultural or farm products or silvicultural products from farm or forest to a processing plant or point of sale or use."

SECTION 3-10.

Said chapter is further amended by striking Code Section 32-6-51, relating to erection, placement, or maintenance of unlawful or unauthorized structure and removal thereof, and inserting in lieu thereof the following:

"32-6-51.

(a)(1) It shall be unlawful for any person to erect, place, or maintain within the right of way of any public road any sign, signal, or other device except as authorized by this subsection or subsection (d) of this Code section or as required or authorized by Code Section 32-6-50 or any other law.

(2) The erection, placement, and maintenance of signs within the rights of way of county roads or municipal streets may be authorized and governed by ordinances adopted by governing authorities of counties and municipalities having jurisdiction over such roads or streets.

(b) It shall be unlawful for any person to erect, place, or maintain in a place or position visible from any public road any unauthorized sign, signal, device, or other structure which:

(1) Imitates, resembles, or purports to be an official traffic-control device;

(2) Hides from view or interferes with the effectiveness of any official traffic-control device;

(3) Obstructs a clear view from any public road to any other portion of such public road, to intersecting or adjoining public roads, or to property abutting such public road in such a manner as to constitute a hazard to traffic on such roads; or

(4) Because of its nature, construction, or operation, constitutes a dangerous distraction to or interferes with the vision of drivers of motor vehicles.

(c) Any sign, signal, device, or other structure erected, placed, or maintained on the right of way of any public road in violation of subsection (a) or (b) of this Code section or in violation of any ordinance adopted pursuant to subsection (a) of this Code section is declared to be a public nuisance, and the officials having jurisdiction of the public road affected may remove or direct the removal of the same. Where any sign, signal,

device, or other structure is erected, placed, or maintained in violation of subsection (b) of this Code section, but not on the right of way of any public road, the officials having jurisdiction of the public road affected may order the removal of such structure by written notice to the owner of the structure or the owner of the land on which the structure is located. If such structure is not removed within 30 days after the giving of such order of removal, such officials are authorized to remove or cause to be removed such structure and to submit a statement of expenses incurred in the removal to the owner of the structure or to the owner of the land on which the structure is located. If payment or arrangement to make payment is not made within 60 days after the receipt of said statement, the department shall certify the amount thereof for collection to the Attorney General.

(d)(1) As used in this subsection, the term:

(A) 'Bus shelter' means a shelter or bench located at bus stops for the convenience of passengers of public transportation systems owned and operated by governmental units or public authorities or located on county or municipality rights of way for the convenience of residents.

(B) 'Commercial ~~advertisement~~ advertisements' means a any printed or painted sign encouraging or promoting the purchase or use of goods or services but does not include campaign posters, signs, or advertisements prohibited by Code Section 21-2-3 signs on a bus shelter for which space has been rented or leased from the owner of such shelter.

(2) Bus shelters, including those on which commercial advertisements are placed, may be erected and maintained on the rights of way of public roads subject to the following conditions and requirements:

(A) Any public transit system wishing to erect and maintain a bus shelter on the right of way of a state road shall apply to the department for a permit, and as a condition of the issuance of the permit, the department must approve the bus shelter building plans and the location of the bus shelter on the right of way; provided, however, that such approval is subject to any and all restrictions imposed by Title 23, U.S.C., and Title 23, Code of Federal Regulations relating to the federal-aid system. This paragraph shall entitle only public transit systems or their designated agents the right to be issued permits under this paragraph;

(B) If the bus shelter is to be located on the right of way of a public road other than a state road within a county or municipality, application for permission to erect and maintain such shelter shall be made to the respective county or municipality. Such application shall conform to the county's and municipality's regulations governing the erection and maintenance of such structures. When the county or municipality is served by a public transit agency or authority, the applications for all bus shelters on routes of such agency or authority shall also be forwarded by the applicant to such transit agency or authority and subject to the approval of such agency or authority; and

(C) As a condition of issuing a permit for the erection of a bus shelter on the right of way of a state road, the department shall require that the bus shelter shall be

properly maintained and that its location shall meet minimum setback requirements as follows:

- (i) Where a curb and gutter are present, there shall be a minimum of four feet clearance from the face of the curb to any portion of the bus shelter or the bus shelter shall be placed at the back of the existing concrete sidewalk; or
- (ii) Where no curb or gutter is present, the front of the bus shelter shall be at least ten feet from the edge of the main traveled roadway.

(3) Any bus shelter erected and maintained on the right of way of a public road in violation of paragraph (2) of this subsection or in violation of the conditions of the permit issued by the department or in violation of the conditions of the consent of the county or municipality is declared to be a public nuisance and if it is determined to be a hazard to public safety by the department, county, or municipality, it may be removed or its removal may be ordered by the department or the governing authority of the respective county or municipality. In every case of removal of a bus shelter as a hazard to public safety by the department, a county, or a municipality, a good faith attempt shall be made to notify the owner of its removal. In such cases where the department, county, or municipality orders the removal of the bus shelter as a public nuisance, if such a bus shelter is not removed by its owner within 30 days after its owner has been issued a written order of removal by the department or the governing authority of the respective county or municipality, the department or the governing authority of the respective county or municipality may cause the bus shelter to be removed and submit a statement of expenses incurred in the removal to the owner of the bus shelter. In the case of a statement of expenses for removal of a shelter on a state road, if payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the department shall certify the amount thereof to the Attorney General for collection.

(4) The person to whom a permit has been issued for the erection and maintenance of a bus shelter on the right of way of a public road or who places such shelter on a public road other than a state road shall at all times assume all risks for the bus shelter and shall indemnify and hold harmless the State of Georgia, the department, and any county or municipality against all losses or damages resulting solely from the existence of the bus shelter.

(5) Permits for shelters on state roads shall be issued under this subsection only to cities, counties, or public transportation authorities owning or operating public transportation systems or their designated agents.

(e) Whenever any sign placed in violation of subsection (a) of this Code section contains writing which displays the name of a person thereon or in any other manner indicates that the sign belongs or belonged to such person or promotes or advertises for the benefit of such person, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this Code section.

(f) Each sign erected, placed, or maintained in violation of paragraph (1) of subsection (a) of this Code section shall constitute a separate offense.

(g) Any person who violates paragraph (1) of subsection (a) of this Code section shall be punished the same as for littering under Code Section 16-7-43. Any person who violates subsection (b) of this Code section shall be guilty of a misdemeanor."

SECTION 3-11.

Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to municipal courts, is amended by adding a new Code section to read as follows:

"36-32-10.3.

(a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the municipal courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.

(b) A municipal court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-12.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-5-57, relating to suspension or revocation of drivers' licenses of habitually negligent or dangerous drivers and the points system, by striking subparagraph (c)(1)(A) and inserting in lieu thereof the following:

"(c)(1)(A) Except as provided in subparagraph (C) of this paragraph, the points to be assessed for each offense shall be as provided in the following schedule:

Aggressive driving.....	6 points
Reckless driving	4 points
Unlawful passing of a school bus.....	6 points
Improper passing on a hill or a curve	4 points
Exceeding the speed limit by more than 14 miles per hour but less than 19 miles per hour	2 points
Exceeding the speed limit by 19 miles per hour or more but less than 24 miles per hour	3 points
Exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour	4 points
Exceeding the speed limit by 34 miles per hour or more.....	6 points
Disobedience of any traffic-control device or traffic officer	3 points
Too fast for conditions.....	0 points

Possessing an open container of an alcoholic beverage while driving 2 points
 Failure to adequately secure a load, ~~except fresh farm produce,~~
 resulting in loss of such load onto the roadway ~~which results in~~
~~an accident or littering from a motor vehicle~~ 2 points
 Violation of child safety restraint requirements, first offense..... 1 point
 Violation of child safety restraint requirements, second or
 subsequent offense..... 2 points
 All other moving traffic violations which are not speed limit
 Violations3 points"

SECTION 3-13.

Said title is further amended by striking Code Section 40-6-249, relating to littering highways, and inserting in lieu thereof the following:

"40-6-249.

~~A person~~ Any person littering a highway in violation of Part 2 of Article 2 of Chapter 7 of Title 16, ~~the 'Litter Control Law,' or driving, moving, or loading for operation a vehicle in violation of Code Section 40-6-248.1~~ shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Code Section 16-7-43."

PART IV SECTION 4-1.

The Official Code of Georgia Annotated is amended by reserving the following former designations:

- (1) Code Section 32-6-21; and
- (2) Code Section 21-2-3.

PART V SECTION 5-1.

All laws and parts of laws in conflict with this Act are repealed.

The following amendments were read and adopted:

Representatives Smith of the 70th and O'Neal of the 146th move to *amend the Committee substitute to HB 1320 by striking lines 12 through 17 of page 11.*

By striking

(c)

at the beginning of line 18 of page 11 and inserting

(b)

in lieu thereof.

By striking

(d)

at the beginning of line 22 of page 11 and inserting

(c)

in lieu thereof.

By striking

~~(b)~~(e)

at the beginning of line 24 of page 11 and inserting

~~(b)~~(d)

in lieu thereof.

By striking lines 10 through 14 of page 18.

By striking

(f)

at the beginning of line 15 of page 18 and inserting

(e)

in lieu thereof.

By striking

(g)

at the beginning of line 17 of page 18 and inserting

(f)

in lieu thereof.

Representative Smith of the 70th moves to *amend the Committee substitute to HB 1320 by striking line 21 of page 15 and inserting in lieu thereof the following:*

(a)(1) It shall be unlawful for any person to erect, place, or maintain within the dedicated right of

By striking lines 25 through 28 of page 15 and inserting in lieu thereof the following:

(2) The erection, placement, and maintenance of signs within the dedicated rights of way of county roads or municipal streets may be authorized and governed by ordinances adopted by governing authorities of counties and municipalities having jurisdiction over such roads or streets, which ordinances as to such dedicated rights of way of county roads or municipal streets may be as or less restrictive than the provisions of paragraph (1) of this subsection.

By striking line 6 of page 16 and inserting in lieu thereof the following:

(c) Any sign, signal, device, or other structure erected, placed, or maintained on the dedicated right

By striking line 12 of page 16 and inserting in lieu thereof the following:

section, but not on the dedicated right of way of any public road, the officials having jurisdiction of

Representatives Smith of the 70th, Ralston of the 7th, and Bearden of the 68th move to *amend the Committee substitute to HB 1320 by striking line 31 of page 3 through line 11 of page 4 and inserting in lieu thereof the following:*

(c) The court may publish the names of persons convicted of violating subsection (a) of this Code section.

By striking line 32 of page 8 and inserting in lieu thereof the following:

(e)(1) The court shall cause to be published a notice of conviction for each person

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	N Davis	Y Holt	N May	Y Scott, A
Y Ashe	N Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	N Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton

Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
N Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	N Hatfield	N Loudermilk	Y Reece, S	Y Willard
N Coan	Y Heard, J	Y Lucas	N Reese	Y Williams, A
Y Cole	Y Heard, K	N Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
N Cox	Y Hill, C	Y Marin	Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 156, nays 12.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Due to a mechanical malfunction, the vote of Representative Smith of the 113th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Manning of the 32nd and Rynders of the 152nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1178. By Representatives Hill of the 180th, Channell of the 116th, Cooper of the 41st, Brown of the 69th, Jenkins of the 8th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the establishment of a program through which unused prescription drugs may be distributed for use by medically indigent persons; to provide for a short title; to provide for definitions; to provide for a pilot program; to provide for the establishment of rules and regulations; to provide for timelines; to provide for limited liability; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to

pharmacists and pharmacies, so as to provide for the establishment of a program through which unused prescription drugs may be distributed for use by medically indigent persons; to provide for a short title; to provide for definitions; to provide for a pilot program; to provide for the establishment of rules and regulations; to provide for timelines; to provide for limited liability; to provide for construction; to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to provide for certain coverage for pharmacy restocking fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by adding a new Article 11 to read as follows:

"ARTICLE 11

26-4-190.

This article shall be known and may be cited as the 'Utilization of Unused Prescription Drugs Act.'

26-4-191.

As used in this article, the term:

- (1) 'Controlled substance' means a drug, substance, or immediate precursor in Schedules I through V of Code Sections 16-13-25 through 16-13-29 and Schedules I through V of 21 C.F.R. Part 1308.
- (2) 'Health care facility' means an institution which is licensed as a nursing home, intermediate care home, personal care home, home health agency, or hospice pursuant to Chapter 7 of Title 31.
- (3) 'Medically indigent person' means:
 - (A) A person who is Medicaid eligible under the laws of this state; or
 - (B) A person:
 - (i) Who is without health insurance; or
 - (ii) Who has health insurance that does not cover the injury, illness, or condition for which treatment is sought; andwhose family income does not exceed 200 percent of the federal poverty level as defined annually by the federal Office of Management and Budget.

26-4-192.

(a) The Georgia State Board of Pharmacy, the Department of Human Resources, and the Department of Community Health shall jointly develop and implement a state-wide program consistent with public health and safety standards through which unused prescription drugs, other than prescription drugs defined as controlled substances, may

be transferred from health care facilities to pharmacies designated or approved by the Department of Human Resources for the purpose of distributing such drugs to residents of this state who are medically indigent persons.

(b) The Georgia State Board of Pharmacy, the Department of Human Resources, and the Department of Community Health shall be authorized to develop and implement a pilot program to determine the safest and most beneficial manner of implementing the program prior to the state-wide implementation of the program required in subsection (a) of this Code section.

(c) The Georgia State Board of Pharmacy, in consultation with the Department of Human Resources and the Department of Community Health, shall develop and promulgate rules and regulations to establish procedures necessary to implement the program and pilot program, if applicable, provided for in this Code section. The rules and regulations shall provide, at a minimum:

(1) For an inclusionary formulary for the prescription drugs to be distributed pursuant to the program;

(2) For the protection of the privacy of the individual for whom a prescription drug was originally prescribed;

(3) For the integrity and safe storage and safe transfer of the prescription drugs, which may include, but shall not be limited to, limiting the drugs made available through the program to those that were originally dispensed by unit dose or an individually sealed dose and that remain in intact packaging; provided, however, that the rules and regulations shall authorize the use of any remaining prescription drugs;

(4) For the tracking of and accountability for the prescription drugs; and

(5) For other matters necessary for the implementation of the program.

(d) The state-wide program required by this Code section shall be implemented no later than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of this Code section, in which case state-wide implementation shall occur no later than July 1, 2008.

26-4-193.

In accordance with the rules and regulations promulgated pursuant to Code Section 26-4-192, the resident of a health care facility, or the representative or guardian of a resident, may donate unused prescription drugs, other than prescription drugs defined as controlled substances, for dispensation to medically indigent persons.

26-4-194.

(a) Physicians, pharmacists, other health care professionals, and health care facilities shall not be subject to liability for transferring or receiving unused prescription drugs pursuant to this article when acting within the scope of practice of their respective licenses and in good faith compliance with the rules and regulations promulgated pursuant to Code Section 26-4-192.

(b) Pharmacists and pharmacies shall not be subject to liability for dispensing unused prescription drugs pursuant to this article when such services are provided without

reimbursement and when performed within the scope of their practice and in good faith compliance with the rules and regulations promulgated pursuant to Code Section 26-4-192. For purposes of this subsection, a restocking fee paid to a pharmacy pursuant to Code Section 49-4-152.5 shall not be considered reimbursement.

(c) Nothing in this Code section shall be construed as affecting, modifying, or eliminating the liability of a manufacturer of prescription drugs or its employees or agents under any legal claim, including but not limited to product liability claims. Drug manufacturers shall not be subject to liability for any acts or omissions of any physician, pharmacist, other health care professional, health care facility, or pharmacy providing services pursuant to this article.

26-4-195.

This article shall be construed in concert with Code Section 49-4-152.3."

SECTION 2.

Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, is amended by adding a new Code section to read as follows:

"49-4-152.5.

In the provision of medical assistance pursuant to this article, the department shall allow for the payment and coverage of appropriate restocking fees incurred by a pharmacy which receives and dispenses prescription drugs pursuant to the 'Utilization of Unused Prescription Drugs Act' in Article 11 of Chapter 4 of Title 26."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P

Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Manning of the 32nd and Rynders of the 152nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1030. By Representative Smith of the 129th:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to the excise tax on the furnishing for value to the public of any rooms, lodgings, or accommodations, so as to change certain provisions regarding the levy and collection of such tax; to provide authorization with certain conditions for certain counties and municipalities to levy such tax; to change certain provisions authorizing certain counties and municipalities to levy such tax under certain conditions; to provide for requirements and limitations with respect thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to the excise tax on the furnishing for value to the public of any rooms, lodgings, or accommodations, so as to change certain provisions regarding the levy and collection of such tax; to provide authorization with certain conditions for certain counties and municipalities to levy such tax; to change certain provisions authorizing certain counties and municipalities to levy such tax under certain conditions; to provide for requirements and limitations with respect thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to the excise tax on the furnishing for value to the public of any rooms, lodgings, or accommodations, is amended by striking paragraphs (1) and (2) of subsection (a) of Code Section 48-13-51, relating to the levy and collection of certain excise taxes, and inserting in their place new paragraphs (1) and (2) to read as follows:

"(a)(1)(A) The governing authority of each municipality in this state may levy and collect an excise tax upon the furnishing for value to the public of any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by, or required to pay business or occupation taxes to, the municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value. Within the territorial limits of the special district located within the county, each county in this state may levy and collect an excise tax upon the furnishing for value to the public of any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by, or required to pay business or occupation taxes to, the county for operating within the special district a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value. The provisions of this Code section shall control over the provisions of any local ordinance or resolution to the contrary enacted pursuant to Code Section 48-13-53 and in effect prior to July 1, 1998. Any such ordinance shall not be deemed repealed by this Code section but shall be administered in conformity with this Code section.

(B)(i) The excise tax shall be imposed on any person or legal entity licensed by or required to pay a business or occupation tax to the governing authority imposing the tax for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value and shall apply to the furnishing for value of any room, lodging, or accommodation. Every person or entity subject to a tax levied as

provided in this Code section shall, except as provided in this Code section, be liable for the tax at the applicable rate on the lodging charges actually collected or, if the amount of taxes collected from the hotel or motel guest is in excess of the total amount that should have been collected, the total amount actually collected must be remitted.

(ii) Any tax levied as provided in this Code section is also imposed upon every person or entity who is a hotel or motel guest and who receives a room, lodging, or accommodation that is subject to the tax levied under this Code section. Every such guest subject to the tax levied under this Code section shall pay the tax to the person or entity providing the room, lodging, or accommodation. The tax shall be a debt of the person obtaining the room, lodging, or accommodation to the person or entity providing such room, lodging, or accommodation until it is paid and shall be recoverable at law by the person or entity providing such room, lodging, or accommodation in the same manner as authorized for the recovery of other debts. The person or entity collecting the tax from the hotel or motel guest shall remit the tax to the governing authority imposing the tax, and the tax remitted shall be a credit against the tax imposed by division (i) of this subparagraph on the person or entity providing the room, lodging, or accommodation.

(C)(i) The tax authorized by this Code section shall not apply to charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty. The tax authorized by this Code section shall apply to the fees or charges for any rooms, lodgings, or accommodations during the first ten days of continuous occupancy and shall not apply to charges imposed for any continuous occupancy thereafter. The tax authorized by this Code section shall not apply to charges made for the use of meeting rooms and other such facilities or to any rooms, lodgings, or accommodations provided without charge.

(ii) The tax authorized by this Code section shall not apply to the charges for any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this division.

(D) Except as provided in paragraphs (2.1), (2.2), (3), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), and (5.3) of this subsection, no tax levied pursuant to this Code section shall be levied or collected at a rate exceeding 3 percent of the charge to the public for the furnishings.

(2) A county or municipality levying a tax as provided in paragraph (1) of this subsection shall in each fiscal year beginning on or after July 1, 1987, expend for the purpose of promoting tourism, conventions, and trade shows a percentage of the total taxes collected under this Code section which is not less than the percentage of such tax collections expended for such purposes during the immediately preceding fiscal year. In addition, if during such immediately preceding fiscal year any portion of such tax receipts was expended for such purposes through a grant to or a contract or contracts with the state, a department of state government, a state authority, or a private sector nonprofit organization, then in each fiscal year beginning on or after July 1, 1987, at least the same percentage shall be expended through a contract or contracts with one or more such entities for the purpose of promoting tourism, conventions, and trade shows. The expenditure requirements of this paragraph shall cease to apply to a county or municipality which levies a tax at a rate in excess of 3 percent, as authorized under paragraphs (2.1), (3), (2.2), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), and (5.3) of this subsection; and in such case the expenditure requirements of such paragraph of this subsection pursuant to which such tax is levied shall apply instead."

SECTION 2.

Said article is further amended in subsection (a) of Code Section 48-13-51, relating to the levy and collection of certain excise taxes, by adding a new paragraph immediately following paragraph (2.1), to be designated paragraph (2.2), to read as follows:

"(2.2)(A) Notwithstanding any other provision of this Code section to the contrary, as used in this paragraph, the term:

- (i) 'Charitable trust' shall have the meaning given such term in subsection (d) of Code Section 48-13-55.
- (ii) 'Development authority' shall mean a development authority created pursuant to Chapter 62 of Title 36, the 'Development Authorities Law.'
- (iii) 'Facility' or 'facilities' shall mean any of the buildings, structures, and facilities described in division (ii) of subparagraph (D) of this paragraph.
- (iv) 'Functionally related business' shall have the meaning given such term in subsection (d) of Code Section 48-13-55.
- (v) 'Fund' or 'funding' shall include the cost and expense of all things necessary for the construction and operation of a facility or facilities, including, but not limited to, the study, operation, marketing, acquisition, construction, financing (including the payment of principal of and interest on any obligation of a development authority to finance such facility or facilities or refund any obligation of a development authority previously issued to finance such facility or facilities), development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities and the repayment of any obligation incurred in connection therewith.
- (vi) 'Obligation' shall mean bonds, notes, or any instrument creating an obligation to pay or reserve moneys, having an initial term of not more than 35 years.

(vii) 'Related entity' shall mean, with respect to a charitable trust, a functionally related business of such charitable trust, or any for profit or not for profit entity owned by or under common ownership with such charitable trust or owned by or under common ownership with a functionally related business of such charitable trust or otherwise affiliated with such charitable trust in a manner approved by the development authority.

(B) Notwithstanding the provisions of paragraph (1) of this subsection, a county (within the territorial limits of the special district located within the county) or any municipality within such county in which is located, in either case, a convention and conference center which is at least 50,000 square feet in size and is owned in fee simple by a development authority and leased by such development authority to a charitable trust or a related entity thereof, and in which county or municipality there exists a private sector nonprofit organization which, on or before December 31, 2005, entered into a contract or a memorandum of understanding with the county or municipality and the aforementioned charitable trust pursuant to Code Section 48-13-55 relating to the expenditure of the proceeds of the tax collected under this Code section, may levy a tax under this Code section at a rate of 5 percent.

(C) The proceeds of the taxes collected under this paragraph shall be expended pursuant to a contract or a memorandum of understanding between the county or municipality, the private sector nonprofit organization, and the charitable trust, and such proceeds may be expended by or for the benefit of the county or municipality, the private sector nonprofit organization, or the charitable trust and related entities thereof for the purposes described in subparagraph (D) of this paragraph, provided that the expenditure of the proceeds of the tax levied on a charitable trust or a functionally related business thereof shall meet the requirements of Code Section 48-13-55.

(D) The proceeds of the taxes collected under this paragraph may be expended for any or all of the following purposes:

- (i) Promoting tourism, conventions, and trade shows;
- (ii) Promoting, attracting, stimulating, and developing conventions and tourism pursuant to Code Section 48-13-55; or
- (iii) Funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, infrastructure, and facilities which have the effect of promoting, attracting, stimulating, and developing conventions and tourism, including, but not limited to, a hotel facility and infrastructure and utility projects, provided that during any period during which there remains outstanding any obligation issued to fund a facility as contemplated by this paragraph, secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the county or municipality to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interest and rights of the holder of any such obligation. This proviso shall be for the benefit of the holder of any such

obligation and, upon the issuance of any such obligation by a development authority, shall constitute a contract with the holder of such obligation."

SECTION 3.

Said article is further amended by striking paragraph (6) of subsection (a) of Code Section 48-13-51, relating to the levy and collection of certain excise taxes, and inserting in its place a new paragraph (6) to read as follows:

"(6) At no time shall a county or municipality levy a tax under more than one paragraph of this subsection. Following the termination of a tax under paragraph (2.1), (2.2), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection, any county or municipality which has levied a tax pursuant to paragraph (2.1), (2.2), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection shall be authorized to levy a tax in the manner and at the rate authorized by either paragraph (1), paragraph (3), or paragraph (4) of this subsection but shall not thereafter be authorized to again levy a tax under paragraph (2.1), (2.2), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection."

SECTION 4.

Said article is further amended by striking paragraphs (9) and (10) of subsection (a) of Code Section 48-13-51, relating to the levy and collection of certain excise taxes, and inserting in their places new paragraphs (9) and (10) to read as follows:

"(9)(A) A county or municipality imposing a tax under paragraph (1), (2), (2.1), (2.2), (3), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection shall prior to the imposition of the tax (if the tax is imposed on or after July 1, 1990) and prior to each fiscal year thereafter in which the tax is imposed adopt a budget plan specifying how the expenditure requirements of this Code section will be met. Prior to the adoption of such budget plan, the county or municipality shall obtain from the authorized entity with which it proposes to contract to meet the expenditure requirements of this Code section a budget for expenditures to be made by such organization; and such budget shall be made a part of the county or municipal budget plan.

(B)(i) The determination as to whether a county or municipality has complied with the expenditure requirements of paragraph (2), (2.1), (2.2), (3), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection shall be made for each fiscal year beginning on or after July 1, 1987, as of the end of each fiscal year, shall be prominently reflected in the audit required under Code Section 36-81-7, and shall disclose:

(I) The amount of funds expended or contractually committed for expenditure as provided in paragraph (2), (2.1), (2.2), (3), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection, whichever is applicable, during the fiscal year;

(II) The amount of tax receipts under this Code section during such fiscal year; and

(III) Expenditures as a percentage of tax receipts.

(ii) A county or municipality contractually expending funds to meet the expenditure requirements of paragraph (2), (2.1), (2.2), (3), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection shall require the contracting party to provide audit verification that the contracting party makes use of such funds in conformity with the requirements of this subsection. If the audit required by Code Section 36-81-7 identifies noncompliance with the applicable expenditure requirements of this Code section, such noncompliance shall be reported in accordance with paragraph (2) of subsection (c) of Code Section 36-81-7. The state auditor shall report all instances of noncompliance with this subparagraph noted in the audit report to the Department of Community Affairs upon completion of the report review required by paragraph (2) of subsection (d) of Code Section 36-81-7. The state auditor shall furnish a copy of all documents submitted by the local government or the local government's auditor pertaining to noncompliance with this subparagraph to the Department of Revenue. The Department of Community Affairs shall submit a copy of such documents to the performance review board.

(10) Nothing in this article shall be construed to limit the power of a county or municipality to expend more than the required amounts, or all, of the total taxes collected under this Code section for the purposes described in paragraph (2), (2.1), (2.2), (3), (3.1), (3.2), (3.3), (3.4), (3.5), (3.7), (4), (4.1), (4.2), (4.3), (4.4), (4.5), (4.6), (4.7), (5), (5.1), (5.2), or (5.3) of this subsection."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw

Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Maddox of the 172nd and Manning of the 32nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1301. By Representatives Martin of the 47th, Royal of the 171st, Chambers of the 81st, Jennings of the 82nd, Scott of the 2nd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption for a limited period of time with respect to certain sales of food and groceries to a qualified food bank; to provide for procedures, conditions, and limitations; to provide for powers, duties, and

authority of the state revenue commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption for a limited period of time with respect to certain sales of eligible food and beverages to a qualified food bank; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by adding a new paragraph immediately following paragraph (57), to be designated paragraph (57.1), to read as follows:

"(57.1)(A) From July 1, 2006, until June 30, 2008, sales of eligible food and beverages to a qualified food bank.

(B) As used in this paragraph, the term:

(i) 'Eligible food and beverages' means any food as defined in Section 3 of the federal Food Stamp Act of 1977 (P.L. 95-113), as amended, 7 U.S.C.A. 2012(g), as such Act existed on January 1, 1996, whether or not for off premises consumption.

(ii) 'Qualified food bank' means any food bank which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and which is operated primarily for the purpose of providing hunger relief to low income persons residing in this state.

(C) Any person making a sale of eligible food and beverages for the purpose specified in this paragraph shall collect the tax imposed on this sale unless the purchaser furnishes such person with an exemption determination letter issued by the commissioner certifying that the purchaser is entitled to purchase the eligible food and beverages without paying the tax.

(D) The commissioner is authorized to promulgate rules and regulations deemed necessary in order to administer and effectuate this paragraph;"

SECTION 2.

This Act shall become effective on July 1, 2006.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
E Anderson	Y Davis	Y Holt	Y May	Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Hugley	E Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Bridges	Y Everson	Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Ralston	Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 143, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Keen of the 179th, Knox of the 24th, and Scott of the 153rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1006. By Representative Ashe of the 56th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for certain persons and vehicles, so as to emphasize that the renewal registration fees for prestige plates are to be distributed in the same manner as the initial fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for certain persons and vehicles, so as to emphasize that the renewal registration fees for breast cancer program prestige plates are to be distributed in the same manner as the initial fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for certain persons and vehicles, is amended by striking paragraphs (1) and (2) of subsection (f) of Code Section 40-2-86.8, relating to the special license plate supporting breast cancer programs, and inserting in their place the following:

"(f)(1) The funds derived from the sale of the special license plates provided by this Code section, including funds derived from the annual renewal registration fee received by the department on or after January 1, 2005, less a \$1.00 processing fee which shall be granted to county tag offices per plate sold and less the actual cost of manufacturing such plates, shall be deposited in the Indigent Care Trust Fund created by Code Section 31-8-152 to fund cancer screening and treatment related programs for those persons who are medically indigent and may have breast cancer. To the extent consistent with Article III, Section IX, Paragraph VI(i) of the Constitution and Article 6 of Chapter 8 of Title 31, such programs may include education, breast cancer screening, grants-in-aid to breast cancer victims, pharmacy assistance programs for breast cancer victims, and other projects to encourage public support for the special license plate and the activities which it funds.

(2) As soon as practicable after the end of each month, the commissioner shall report the net amount derived from the sale or renewal of such license plates, not including actual manufacturing costs, to the Office of Planning and Budget and the Department of Community Health."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
E Anderson	Y Davis	Y Holt	Y May	Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Hugley	E Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Mosley	Y Smith, P
Bridges	Y Everson	Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Kidd	Parham	Y Talton
Burmeister	Y Gardner	Knight	Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Butler	Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Ralston	Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 134, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Keen of the 179th and Scott of the 153rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Barnard of the 166th District, Chairman of the Committee on State Institutions and Property, submitted the following report:

Mr. Speaker:

Your Committee on State Institutions and Property has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1402 Do Pass, by Substitute

Respectfully submitted,
/s/ Barnard of the 166th
Chairman

The following Resolutions of the House were read and adopted:

HR 1779. By Representatives Morgan of the 39th, Watson of the 91st, Thomas of the 55th and Teilhet of the 40th:

A RESOLUTION commending Ayomide, Oladeji, and Olasina Awe; and for other purposes.

HR 1780. By Representative Dollar of the 45th:

A RESOLUTION commending Mr. David Lipton; and for other purposes.

HR 1781. By Representatives Smyre of the 132nd, Smith of the 129th, Hugley of the 133rd, Smith of the 131st and Buckner of the 130th:

A RESOLUTION honoring the life of Rozier Dedwylder and expressing regret at his passing; and for other purposes.

HR 1782. By Representatives Maxwell of the 17th and Setzler of the 35th:

A RESOLUTION celebrating the birthday and life of Mrs. Lillian Smith on the occasion of her 89th birthday; and for other purposes.

HR 1783. By Representative Jenkins of the 8th:

A RESOLUTION commending Ms. Nanon G. Wiles on the occasion of her retirement; and for other purposes.

HR 1784. By Representatives Dickson of the 6th and Williams of the 4th:

A RESOLUTION commending New Hope Elementary School on receiving a Single Statewide Accountability System Platinum Award from the Governor's Office of Student Achievement; and for other purposes.

HR 1785. By Representatives Murphy of the 23rd, Knox of the 24th and Amerson of the 9th:

A RESOLUTION commending Mr. Dave Culpepper on being named Georgia's National Distinguished Principal for 2006; and for other purposes.

HR 1786. By Representatives Gardner of the 57th, Orrock of the 58th and Ashe of the 56th:

A RESOLUTION recognizing Mr. Doug Carl and Mr. Dedrick Muhammad for their excellence in public service; and for other purposes.

HR 1787. By Representative O'Neal of the 146th:

A RESOLUTION congratulating Cara Burgess on being named a Distinguished Finalist in the Prudential Spirit of Community Awards and commending her on her service to the community; and for other purposes.

HR 1788. By Representatives Gardner of the 57th, Benfield of the 85th, Jacobs of the 80th, Henson of the 87th and Chambers of the 81st:

A RESOLUTION recognizing Monica Agrwal, Kailyn LaPorte, and Eli Epstein and commending Kittredge Magnet School for High Achievers; and for other purposes.

The Speaker Pro Tem assumed the Chair.

The following supplemental Rules Calendar was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, MARCH 9, 2006

Mr. Speaker and Members of the House:

Your Committee on Rules has met and submits the following supplemental to the calendar already adopted this March 09, 2006, by adding the following:

UNCONTESTED HOUSE/SENATE RESOLUTIONS

HR 821	Vandiver, Governor Samuel E., Jr.; recommend naming building on University of Georgia campus
HR 1491	Private James Boggan Memorial Bridge; name
HR 1548	Chambers Crossing; dedicate

DEBATE CALENDAR

Open Rule

HB 1073	Houston Judicial Circuit; number of judges; provisions
HB 1246	State flag; deceased Georgia elected state officials; provide
HB 1273	Security deposits; escrow accounts; change certain provisions
HB 1316	High School Athletics Overview Committee; create
HB 1496	Waycross Judicial Circuit; term of court; change

Modified Open Rule

HB 1421	Demand for trial; defendant present in court; require
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Modified Structured Rule

None

Structured Rule

HB 834	Sales tax exemption; fuel for certain swine raising purposes
HB 1120	Dealers' sales and use tax; estimated liability; change provisions
HB 1435	Voting; persons with disabilities; provisions

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills and Resolutions of the House were taken up for consideration and read the third time:

HB 1421. By Representatives Fleming of the 117th, Ralston of the 7th and Hatfield of the 177th:

A BILL to be entitled an Act to amend Article 7 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to demand for trial and announcement of readiness for trial, so as to require that a defendant be present in court and announce ready for trial if a demand for trial is filed; to require that a demand for trial be filed and served as a separate document and labeled as a demand for trial; to change provisions relating to demand for trial and service of the demand; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to change provisions relating to demand for trial and announcement of readiness for trial; to require a demand for speedy trial be filed and served as a separate document and labeled as a demand for speedy trial; to change provisions relating to demand for speedy trial and service of such demand; to provide for procedures relating to demand for speedy trial in capital cases; to correct cross-references; to amend Code Section 38-3-62 of the Official Code of Georgia Annotated, relating to suspension or tolling of deadlines and time schedules in the event of a judicial emergency, so as to correct a cross-reference; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking Code Section 17-7-170, relating to demands for trial, and inserting in lieu thereof the following:

"17-7-170.

(a) Any ~~person~~ defendant against whom a true bill of indictment or an accusation is filed with the clerk for an offense not affecting the ~~person's~~ defendant's life may enter a demand for speedy trial at the court term at which the indictment or accusation is filed or at the next succeeding regular court term thereafter; or, by special permission of the court, ~~he or she~~ the defendant may at any subsequent court term thereafter demand a

speedy trial. In either case, the demand for speedy trial shall be filed with the clerk of court and served upon the prosecutor and upon the judge to whom the case is assigned or, if the case is not assigned, upon the chief judge of the court in which the case is pending. A demand for speedy trial filed pursuant to this Code section shall be filed as a separate, distinct, and individual document and shall not be a part of any other pleading or document. Such demand shall clearly be titled 'Demand for Speedy Trial'; reference this Code section within the pleading; identify the indictment number or accusation number for which such demand is being made; and include the name of the judge to whom the case is assigned or, if the case is not assigned, the name of the chief judge of the court in which the case is pending. The demand for speedy trial shall be binding only in the court in which the demand for speedy trial is filed, except where the case is transferred from one court to another without a request from the defendant.

(b) If the ~~person~~ defendant is not tried when the demand for speedy trial is made or at the next succeeding regular court term thereafter, provided that at both court terms there were juries impaneled and qualified to try the ~~person~~, defendant, the ~~person~~ defendant shall be absolutely discharged and acquitted of the offense charged in the indictment or accusation. For purposes of computing the term at which a misdemeanor must be tried under this Code section, there shall be excluded any civil term of court in a county in which civil and criminal terms of court are designated; and for purposes of this Code section it shall be as if such civil term was not held.

(c) Any demand for speedy trial filed pursuant to this Code section shall expire at the conclusion of the trial or upon the defendant entering a plea of guilty or nolo contendere.

(d) If a case in which a demand for speedy trial has been filed, as provided in this Code section, is reversed on direct appeal, a new demand for speedy trial ~~must~~ shall be filed within the term of court in which the remittitur from the appellate court is received by the clerk of court or at the next succeeding regular court term thereafter.

(e) If the case in which a demand for speedy trial has been filed as provided in this Code section results in a mistrial, the case shall be tried at the next succeeding regular term of court."

SECTION 2.

Said title is further amended by striking Code Section 17-7-171, relating to time for demand for trial in capital cases, and inserting in lieu thereof the following:

"17-7-171.

(a) Any person accused of a capital offense may enter a demand for speedy trial at the term of court at which the indictment is found or at the next succeeding regular term thereafter; or, by special permission of the court, ~~he~~ the defendant may at any subsequent term thereafter demand a speedy trial. The demand for speedy trial shall be filed with the clerk of court and served upon the prosecutor and upon the judge to whom the case is assigned or, if the case is not assigned, upon the chief judge of the court in which the case is pending. A demand for trial filed pursuant to this Code section shall be filed as a separate, distinct, and individual document and shall not be a

part of any other pleading or document. Such demand shall clearly be titled 'Demand for Speedy Trial'; reference this Code section within the pleading; identify the indictment number or accusation number for which such demand is being made; and include the name of the judge to whom the case is assigned or, if the case is not assigned, the name of the chief judge of the court in which the case is pending. The demand for speedy trial shall be binding only in the court in which such demand is filed, except where the case is transferred from one court to another without a request from the defendant.

(b) If more than two regular terms of court are convened and adjourned after the term at which the demand for speedy trial is filed and the defendant is not given a trial, then ~~he~~ the defendant shall be absolutely discharged and acquitted of the offense charged in the indictment, provided that at both terms there were juries impaneled and qualified to try the defendant and provided, further, that the defendant was present in court announcing ready for trial and requesting a trial on the indictment.

(c) In cases involving a capital offense for which the death penalty is sought, if a demand for speedy trial is entered, the counting of terms under subsection (b) of this Code section shall not begin until the convening of the first term following the completion of pretrial review proceedings in the Supreme Court under Code Section 17-10-35.1."

SECTION 3.

Said title is further amended by striking Code Section 17-7-172, relating to requirement of announcement of readiness for trial prior to announcement by defendant, and inserting in lieu thereof the following:

"17-7-172.

The state shall be required in every case to announce ready or not ready for trial, except in those cases where the defendant is entitled by law to demand a speedy trial, before the defendant shall be called on to make such announcement."

SECTION 4.

Said title is further amended by striking Code Section 17-8-21, relating to when a showing for a continuance is required of the state, and inserting in lieu thereof the following:

"17-8-21.

In all cases in which the defendant cannot, according to law, demand a speedy trial, a continuance shall not be granted to the state, except upon a reasonable showing therefor."

SECTION 5.

Said title is further amended by striking subsection (c) of Code Section 17-8-31, relating to grounds for granting of continuances, and inserting in lieu thereof the following:

"(c) In cases in which a demand for speedy trial has been filed in accordance with Code Section 17-7-170 or 17-7-171, the court shall grant the continuance if the party

moving for a continuance pursuant to subsection (b) of this Code section establishes by testimony, affidavits, or other evidence that:

- (1) The witness is material and necessary;
- (2) The witness is located outside the territorial limits of the state;
- (3) The party has submitted a request to the proper military authorities for the testimony of the witness in accordance with Section 301 of Title 5 of the United States Code and federal regulations or directives issued by the armed forces pursuant thereto; and
- (4) The witness will not be available within the time limits prescribed by Code Section 17-7-170 or 17-7-171.

This continuance shall toll the running of the demand for speedy trial and shall continue the trial until the witness is released from active duty or the military makes the witness available to testify. If the witness only becomes available to testify within the last two weeks of the term of court in which the case must be tried, the case may be tried at the next succeeding term of court."

SECTION 6.

Code Section 38-3-62 of the Official Code of Georgia Annotated, relating to suspension or tolling of deadlines and time schedules in the event of a judicial emergency, is amended by striking paragraph (3) and inserting in lieu thereof the following:

"(3) The time within which to try a case for which a demand for speedy trial has been filed;"

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R

Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Stephens of the 164th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 834. By Representatives Roberts of the 154th, Royal of the 171st, Floyd of the 147th, McCall of the 30th, Lane of the 158th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption regarding the sale of liquefied petroleum gas or other fuel used for certain swine raising purposes; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption for a limited

period of time from state sales and use tax only regarding the sale or use of liquefied petroleum gas or other fuel used for certain swine raising purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, is amended by adding a new paragraph immediately following paragraph (49), to be designated paragraph (49.1), to read as follows:

"(49.1)(A) From July 1, 2006, until June 30, 2008, the sale or use of liquefied petroleum gas or other fuel used in a structure in which swine are raised.

(B)(i) For the purposes of this paragraph, the term 'local sales and use tax' shall mean any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or pursuant to Article 2 of this chapter; by or pursuant to Article 2A of this chapter; by or pursuant to Part 1 of Article 3 of this chapter; by or pursuant to Part 2 of Article 3 of this chapter; and by or pursuant to Article 4 of this chapter.

(ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply to any local sales and use tax levied or imposed at any time;"

SECTION 2.

This Act shall become effective on July 1, 2006.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Mills	Y Sims, C

Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	N Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	N Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Casas	Y Greene	Y Lewis	Y Randall	Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 148, nays 5.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Holmes of the 61st and Jacobs of the 80th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Representative Beasley-Teague of the 65th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1316. By Representatives Martin of the 47th, Roberts of the 154th, Watson of the 91st, Burkhalter of the 50th, Parrish of the 156th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the creation of the High School Athletics Overview Committee; to provide for its composition, powers, and duties; to provide for

reports; to provide for performance criteria; to provide for expenditure of funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the creation of the High School Athletics Overview Committee; to provide for its composition, powers, and duties; to provide for reports; to provide for performance criteria; to provide for expenditure of funds; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by adding a new article to the end of such chapter to be designated Article 32 to read as follows:

"ARTICLE 32

20-2-2100.

(a) There is created as a joint committee of the General Assembly the High School Athletics Overview Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House, one of whom shall be a member of the minority party; five members of the Senate appointed by the Senate Committee on Assignments, one of whom shall be a member of the minority party; the chairperson of the House Committee on Education or his or her designee; and the chairperson of the Senate Education and Youth Committee or his or her designee. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The Speaker of the House of Representatives and the Senate Committee on Assignments shall each designate a cochairperson from among the appointees of their respective houses. The cochairpersons shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of cochairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of high school athletic associations, as defined in subsection (c) of this Code section.

(b) No high school which receives funding under Article 6 of this chapter shall participate in, sponsor, or provide coaching staff for interscholastic sports events which

are conducted under the authority of, conducted under the rules of, or scheduled by any high school athletics association unless such association complies with the provisions of this article.

(c) As used in this Code section, the term 'committee' means the High School Athletics Overview Committee, and the term 'high school athletic association' means any association of schools or any other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for interscholastic athletic events in which public high schools in this state participate.

20-2-2101.

The Department of Education, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties set forth in this article. The committee may employ staff and may secure the services of consultants as appropriate and subject to available funding. Upon authorization by joint resolution of the General Assembly, the committee shall have the power while the General Assembly is in session or during the interim between sessions to request the attendance of witnesses and the production of documents in aid of its duties. In addition, when the General Assembly is not in session, the committee shall have the power to request the attendance of witnesses and the production of documents in aid of its duties, upon application of the cochairpersons of the committee, with the concurrence of the Speaker of the House and President Pro Tempore of the Senate.

20-2-2102.

All high school athletic associations in this state shall cooperate with the committee, its authorized personnel, the Attorney General, the Department of Education, and other state agencies in order that the charges of the committee may be timely and efficiently discharged. The associations shall submit to the committee such reports and data as the committee shall reasonably require in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the associations. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the high school athletic associations, as set forth in this chapter.

20-2-2103.

In the discharge of its duties, the committee shall evaluate the performance of high school athletic associations consistent with the following criteria:

- (1) Fairness and equity in establishing and implementing its standards; and
- (2) The promotion of academic achievement and good sportsmanship.

20-2-2104.

(a) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff, paying for services of consultants, and paying all other necessary expenses incurred by the committee in performing its duties.

(b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government.

20-2-2105.

This article shall be repealed effective December 31, 2010."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
N Benton	Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	N Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
N Casas	Y Greene	Y Lewis	Y Randall	Y Warren

Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 3.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1073. By Representatives O'Neal of the 146th, Talton of the 145th, Ray of the 136th and Floyd of the 147th:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of judges of superior courts, so as to provide for a third judge of the superior courts of the Houston Judicial Circuit; to provide for the appointment of such additional judge by the Governor; to provide for the election of successors to the judge initially appointed; to prescribe the powers of said judge; to prescribe the compensation, salary, and expense allowance of said judge to be paid by the State of Georgia and the counties comprising said circuit; to authorize the judges of said court to divide and allocate the work and duties thereof; to authorize the governing authority of the counties which comprise the Houston Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for said judges; to declare inherent authority; to provide for a conditional effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior court, so as to provide for a third judge of the superior courts of the Blue Ridge Judicial Circuit, a tenth judge of the superior courts of the Cobb Judicial Circuit, a sixth judge of the superior courts of the Coweta Judicial Circuit, a third judge of the superior courts of the Houston Judicial Circuit, and a third judge of the superior courts of the Paulding Judicial Circuit; to provide for the appointment of such additional judges by the Governor; to provide for the election of successors to the judges initially appointed; to prescribe the powers of such judges; to prescribe the compensation,

salary, and expense allowance of such judges to be paid by the State of Georgia and the counties comprising said circuits; to authorize the judges of such circuits to divide and allocate the work and duties thereof; to provide for the manner of impaneling jurors; to provide for an additional court reporter for such circuits; to authorize the governing authority of the counties that comprise such circuits to provide facilities, office space, supplies, equipment, and personnel for such judges; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Part I
SECTION 1-1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior courts, is amended by striking paragraphs (6), (11), (14), (21), and (31.1) and inserting their place new paragraphs to read as follows:

"(6) Blue Ridge Circuit.....	2 <u>3</u> "
"(11) Cobb Circuit.....	9 <u>10</u> "
"(14) Coweta Circuit.....	5 <u>6</u> "
"(21) Houston Circuit.....	2 <u>3</u> "
"(31.1) Paulding Circuit.....	2 <u>3</u> "

Part II
SECTION 2-1.

One additional judge of the superior courts is added to the Blue Ridge Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 2-2.

Said additional judge shall be appointed by the Governor for a term beginning July 1, 2006, and continuing through December 31, 2008, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of four years beginning on January 1, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 2-3.

The additional judge of the superior courts of the Blue Ridge Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and

immunities of the present judges of the superior courts of this state. Any of the judges of the Blue Ridge Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 2-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the county comprising the Blue Ridge Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the county of said circuit of the salary of the judges of the superior courts of the Blue Ridge Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 2-5.

All writs and processes in the superior courts of the Blue Ridge Judicial Circuit shall be returnable to the terms of said superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide three judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of said superior courts and to direct and conduct all hearings and trials in said courts.

SECTION 2-6.

Upon and after qualification of the additional judge of the superior court of the Blue Ridge Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

SECTION 2-7.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior court of said circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

SECTION 2-8.

The three judges of the Blue Ridge Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 2-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Blue Ridge Judicial Circuit may bear teste in the name of any judge of the Blue Ridge Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 2-10.

Upon request of any judge of the circuit, the governing authority of the county comprising the Blue Ridge Judicial Circuit is authorized to furnish the judges of said circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

Part III

SECTION 3-1.

One additional judge of the superior courts is added to the Cobb Judicial Circuit, thereby increasing to ten the number of judges of said circuit.

SECTION 3-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2007, and continuing through December 31, 2008, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of four years beginning on January 1, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 3-3.

The additional judge of the superior courts of the Cobb Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Cobb Judicial Circuit may preside over any cause, whether in their own or in other circuits, and

perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 3-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties of the superior courts of the Cobb Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the counties of said circuit of the salary of the judges of the superior courts of the Cobb Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 3-5.

All writs and processes in the superior courts of the Cobb Judicial Circuit shall be returnable to the terms of said superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide ten judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of said superior courts and to direct and conduct all hearings and trials in said courts.

SECTION 3-6.

Upon and after qualification of the additional judge of the superior court of the Cobb Judicial Circuit, the ten judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

SECTION 3-7.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior court of said circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

SECTION 3-8.

The ten judges of the Cobb Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 3-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Cobb Judicial Circuit may bear teste in the name of any judge of the Cobb Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 3-10.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Cobb Judicial Circuit are authorized to furnish the judges of said circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

Part IV
SECTION 4-1.

One additional judge of the superior courts is added to the Coweta Judicial Circuit, thereby increasing to six the number of judges of said circuit.

SECTION 4-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2007, and continuing through December 31, 2008, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of four years beginning on January 1, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 4-3.

The additional judge of the superior courts of the Coweta Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Coweta Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 4-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties comprising the Coweta Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the counties of said circuit of the salary of the judges of the superior courts of the Coweta Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 4-5.

All writs and processes in the superior courts of the Coweta Judicial Circuit shall be returnable to the terms of said superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide six judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of said superior courts and to direct and conduct all hearings and trials in said courts.

SECTION 4-6.

Upon and after qualification of the additional judge of the superior court of the Coweta Judicial Circuit, the six judges of such circuit may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling. The six judges of the superior courts of the Coweta Judicial Circuit shall have and are clothed with full power, authority, and discretion to determine from time to time and term to term the manner of calling the dockets, fixing the calendars, and order of business in such courts. They may assign to one of such judges the hearing of trials by jury for a term and the hearing of all other matters not requiring a trial by jury to the other judges, and they may rotate such order of business at the next term. They may conduct trials by jury at the same time in the same county or otherwise within such circuit, or they may hear chambers business and motion business at the same time at any place within such circuit. They may provide in all respects for holding the superior courts of such circuit so as to facilitate the hearing and determination of all the business of such courts at any time pending and ready for trial or hearing. In all such matters relating to the fixing, arranging for, and disposing of the business of such courts and making appointments as authorized by law where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for in this Act shall control.

SECTION 4-7.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior court of said circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

SECTION 4-8.

The six judges of the Coweta Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 4-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Coweta Judicial Circuit may bear teste in the name of any judge of the Coweta Judicial Circuit and, when issued by and in the name of any judge of said circuit, shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 4-10.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Coweta Judicial Circuit are authorized to furnish the judges of such circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

Part V**SECTION 5-1.**

One additional judge of the superior courts is added to the Houston Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 5-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2007, and continuing through December 31, 2008, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of four years beginning on January 1, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years

and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 5-3.

The additional judge of the superior courts of the Houston Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Houston Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 5-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the county comprising the Houston Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the county of said circuit of the salary of the judges of the superior courts of the Houston Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 5-5.

All writs and processes in the superior courts of the Houston Judicial Circuit shall be returnable to the terms of said superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide three judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of said superior courts and to direct and conduct all hearings and trials in said courts.

SECTION 5-6.

Upon and after qualification of the additional judge of the superior court of the Houston Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

SECTION 5-7.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any

of the judges of the superior court of said circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

SECTION 5-8.

The three judges of the Houston Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 5-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Houston Judicial Circuit may bear teste in the name of any judge of the Houston Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 5-10.

Upon request of any judge of the circuit, the governing authority of the county comprising the Houston Judicial Circuit are authorized to furnish the judges of said circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

Part VI

SECTION 6-1.

One additional judge of the superior courts is added to the Paulding Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 6-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2007, and continuing through December 31, 2008, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of four years beginning on January 1, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 6-3.

The additional judge of the superior courts of the Paulding Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Paulding Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 6-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the county comprising the Paulding Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the county of said circuit of the salary of the judges of the superior courts of the Paulding Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 6-5.

All writs and processes in the superior courts of the Paulding Judicial Circuit shall be returnable to the terms of said superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide three judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of said superior courts and to direct and conduct all hearings and trials in said courts.

SECTION 6-6.

Upon and after qualification of the additional judge of the superior court of the Paulding Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

SECTION 6-7.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior court of said circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to

have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

SECTION 6-8.

The three judges of the Paulding Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 6-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Paulding Judicial Circuit may bear teste in the name of any judge of the Paulding Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 6-10.

Upon request of any judge of the circuit, the governing authority of the county comprising the Paulding Judicial Circuit is authorized to furnish the judges of said circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

Part VII

SECTION 7-1.

Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

SECTION 7-2.

- (a) For purposes of making the initial appointment of the judge to fill the superior court judgeships created by this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
- (b) For all other purposes, Part II of this Act shall become effective July 1, 2006.
- (c) For all other purposes, Parts III, IV, V, and VI of this Act shall become effective January 1, 2007.
- (d) For all other purposes, Parts I and VII of this Act shall become effective upon this Act's approval by the Governor or upon its becoming law without such approval.

SECTION 7-3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HR 821. By Representatives Jamieson of the 28th, Oliver of the 83rd, Kidd of the 115th, Rogers of the 26th, Harbin of the 118th and others:

A RESOLUTION honoring the life and lifetime achievements of the late Governor Samuel Ernest Vandiver, Jr., by recommending that an appropriate building on the University of Georgia campus to be named in his memory; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

HR 1491. By Representative Sims of the 169th:

A RESOLUTION commemorating the achievements and sacrifice made by Private James Boggan and renaming the Bear Creek Bridge on Highway 32 West in Ambrose, Georgia, the Private James Boggan Memorial Bridge; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; to provide for related matters; and for other purposes.

PART I

WHEREAS, former Representative Dorothy Barnes Pelote was a member of the General Assembly of Georgia for more than a decade, where she worked tirelessly in loyal and enduring service to her constituents and the citizens of Georgia; and

WHEREAS, former Representative Dorothy Barnes Pelote has been a resident of Savannah, Georgia, for over 50 years and, prior to serving as a Representative, acted in public service to her community first as an educator and, upon retirement, as a member of the Chatham County Board of Commissioners; and

WHEREAS, while serving in the General Assembly of Georgia as a member of the House of Representatives, Ms. Pelote worked steadfastly to pass many resolutions and bills that benefit not only the citizens of Savannah, but the entire State of Georgia; and

WHEREAS, Ms. Pelote has been instrumental in obtaining funds for a number of local initiatives and community improvements and has received numerous awards and recognitions for her services to the community and the citizens of this state; and

WHEREAS, former Representative Dorothy Barnes Pelote is a beloved member of many public and civic organizations, her church, and family.

PART II

WHEREAS, Derward Buchan is a veteran of the United States Army and served in the occupational forces in Japan and later served in Korea; and

WHEREAS, he served 14 years on the Douglas city commission and six years as the mayor; and

WHEREAS, during his tenure on the Douglas city commission, he oversaw transportation improvements, including the widening of Madison Street, the completion of Perimeter Road, and the continuing improvement of traffic congestion through the use of one-way streets; and

WHEREAS, he is a former member and secretary of the Southeast Georgia Regional Development Center; and

WHEREAS, he retired from the Georgia Department of Transportation after 34 years of service as an area engineer; and

WHEREAS, Derward is a charter member of the Douglas Exchange Club, past president of the local chapter of the American Association of Retired Persons, and a member of the Chamber of Commerce and American Legion; and

WHEREAS, Derward F. Buchan has devoted his life to service as a businessman, civic leader, and friend to the City of Douglas, and it is only fitting that the Derward F. Buchan Corridor be dedicated in his honor.

PART III

WHEREAS, Mr. Tommy G. Hudson was an employee of the Georgia Department of Transportation; and

WHEREAS, he was an outstanding employee and citizen of the State of Georgia; and

WHEREAS, he was struck and killed by a vehicle on March 2, 2005, while in the performance of his duties on SR 107 in Turner County near the bridge over Deep Creek; and

WHEREAS, he was a devoted family man, a highly respected employee, an able and upright citizen of his community and the State of Georgia, and a friend to all who were privileged to know and work with him.

PART IV

WHEREAS, the 848th Engineer Company was organized as the B-560 Engineering Battalion and later became the 848th Engineer Company attached to the 48th Infantry Brigade; and

WHEREAS, the 848th Engineer Company was mobilized for Operation Desert Storm in 1990 as part of the 48th Infantry Brigade; and

WHEREAS, in 1993, the 848th Engineer Company was reorganized as Company C in the 648th Engineer Battalion; and

WHEREAS, in 1994, the 648th Engineer Battalion was mobilized for duty in central and southern Georgia to help with the massive flooding following tropical storm Alberto; and

WHEREAS, in 1996-97, the 648th was mobilized to serve a peacekeeping mission in Bosnia; and

WHEREAS, currently the 648th is serving with the 48th Infantry Brigade Combat Team in Iraq and the Persian Gulf area; and

WHEREAS, it is only fitting that these courageous soldiers, who in the spirit of the American patriot, have volunteered to confront the dangers, privations, and discomforts of wartime and peacetime service and in the spirit of humanity have strived to establish and keep the peace in Iraq and Bosnia with fortitude and steadfast resolve, should have a bridge named in their honor; and

WHEREAS, all Americans owe a debt of gratitude to the men and women of the Georgia National Guard who risk their lives in the defense of freedom and to secure the blessings of liberty for this nation and other peoples of the world.

PART V

WHEREAS, the lighthouse of Tybee Island has a long and storied history along the Georgia coast; and

WHEREAS, the lighthouse has saved the lives of many desperate seafarers in search of a safe port; and

WHEREAS, it is only proper and fitting that the Tybee Island Lighthouse be memorialized by dedicating a causeway in honor of its glorious past.

PART VI

WHEREAS, news of the passing of Lucille M. Norton, late of Lakeland, Georgia, was received by the members of her community with much deep regret; and

WHEREAS, the life led by this distinguished woman of 86 years rendered her name dear to the hearts of her family and fellow citizens alike; and

WHEREAS, Lucille M. Norton was a native of Lanier County who, after receiving her

teaching degree, made Lanier County and Lakeland, Georgia, her home and not only became a teacher for the Lanier County school system, but also served six decades as a mentor of five generations of children and families of Lanier County; and

WHEREAS, her commitment to public service and various volunteer organizations, such as the March of Dimes and her beloved Good Hope Baptist Church, made her community and this state a better place in which to live; and

WHEREAS, it is only fitting and proper that this woman of vision and significance be honored by naming a small and simple bridge in her honor; a bridge over a small and undemanding creek that, as a child, bordered on her mother's farm; that she played in as a child; that she fished and enjoyed all of her 86 years on this earth; that she later in life inherited from her mother who had inherited it from her family; and that, in death, she passed on to her only son.

PART VII

WHEREAS, Private James Boggan was born on December 22, 1925, in Ambrose, Georgia; and

WHEREAS, the Purple Heart was first established by George Washington during the Revolutionary War and later revived by the War Department in February of 1932; and

WHEREAS, the Purple Heart is awarded to persons who while serving in any capacity with the United States Armed Services has been wounded or killed or who has died or may thereafter die after being wounded; and

WHEREAS, Private James Boggan of Ambrose, Georgia, received fatal wounds in Luxembourg during World War II while serving in the United States Army that resulted in his death on March 16, 1945, and was awarded the Purple Heart on June 11, 1945; and

WHEREAS, Private Boggan left behind him in Ambrose, Georgia, his parents, the late Cecil D. Boggan and Mary Grantham Boggan, as well as six brothers and sisters; and

WHEREAS, Private Boggan is an example of a generation of young soldiers who gave their lives during World War II in the fight for democracy and freedom.

PART VIII

WHEREAS, Thomas McGaughey Kilgore was a native and lifelong resident of Douglas County and was a descendant of Douglas County native citizens dating back prior to the incorporation of the county; and

WHEREAS, he graduated from Douglas County High School in 1952 and from Berry College in 1956; and

WHEREAS, he spent his entire professional career with CSX Transportation; and

WHEREAS, he was elected as a member of the Georgia General Assembly's House of Representatives to represent Douglas County, taking office in 1975 and serving through 1992; and

WHEREAS, during his tenure in the General Assembly, he served on the Appropriations Committee and the Industry Committee, and chaired the Education Committee; and

WHEREAS, as chairman of the Education Committee, he was instrumental in establishing the Douglas County campus of West Central Technical College on Timber Ridge Road, which has become an integral part of the community and provides an opportunity for thousands of Douglas County citizens to receive higher education; and

WHEREAS, after retirement, he continued to work with the Douglasville Convention and Visitors Bureau to help bring tourists to Douglas County; and

WHEREAS, he was married for 43 years to Carol M. McLendon, and they had two beautiful daughters, Pamela K. Platt and Teresa A. Kilgore, and two wonderful grandchildren, Lindsay and Will; and

WHEREAS, he was a lifetime member of County Line Baptist Church and a charter member of the West Pines Golf Course and enjoyed carp fishing during his free time; and
WHEREAS, it is only fitting that this man who devoted his life to his family and service to his community should have a bridge in his beloved Douglas County dedicated in his memory.

PART IX

WHEREAS, when Georgia Loop 1 in Floyd County was first constructed, it extended from the intersection of SR 20 in West Rome to SR 53; and

WHEREAS, this section of Georgia Loop 1 has been previously named the "Veterans Memorial Highway"; and

WHEREAS, Georgia Loop 1 has now been extended from SR 53 to US 411/SR 20; and

WHEREAS, all Americans owe a debt of gratitude to the men and women of our armed forces who risk their lives in the defense of freedom and to secure the blessings of liberty for this nation and other peoples of the world.

PART X

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the bridge on Bay Street between East Lathorpe Street and Farm Street in

Chatham County is dedicated as the Dorothy Barnes Pelote Bridge.

BE IT FURTHER RESOLVED that the portion of SR 32 from the 206 Connector to the CSX Railroad overpass is dedicated as the Derward F. Buchan Corridor.

BE IT FURTHER RESOLVED that the bridge over Deep Creek on SR 107 at Mile Post 8.0 in Turner County, Bridge ID # 287-00107D-00.800E, is hereby dedicated as the Tommy G. Hudson Bridge in honor of the memory of this distinguished Georgian.

BE IT FURTHER RESOLVED that the bridge on the SR 206 Connector that spans the CSX railroad, in Coffee County, is dedicated as the Hero Bridge.

BE IT FURTHER RESOLVED that the portion of US 80 from the end of Lazaretto River to the end of US 80 on Tybee Island, in Chatham County, is dedicated as the Historic Tybee Lighthouse Causeway.

BE IT FURTHER RESOLVED that the bridge over Grand Bay Creek on U. S. Highway 221 in the County of Lanier be dedicated as the Lucille M. Norton Bridge.

BE IT FURTHER RESOLVED that the Bear Creek Bridge on Highway 32 West in Ambrose, Georgia, is dedicated as the Private James Boggan Memorial Bridge.

BE IT FURTHER RESOLVED that the Prestley Mill Road bridge over I-20, in Douglas County, is dedicated as the Tom Kilgore Memorial Bridge.

BE IT FURTHER RESOLVED that the portion of Georgia Loop 1 from SR 53 to US 411/SR 20 is dedicated as the Veterans Memorial Highway.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain signs identifying the highway facilities dedicated in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the Department of Transportation, Dorothy Barnes Pelote, Derward F. Buchan, the family of Tommy G. Hudson, the commanding officer of the 648th Engineer Battalion of the Georgia Army National Guard, the local governing authority of Tybee Island, the surviving and only son, four grandchildren, and three great-grandchildren of Lucille M. Norton, the family of Private James Boggan, and to the family of Tom Kilgore.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

HR 1548. By Representatives Rynders of the 152nd and Hanner of the 148th:

A RESOLUTION commemorating the accomplishments of Mrs. Ida Chambers and dedicating Chambers Crossing; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; to provide for related matters; and for other purposes.

PART I

WHEREAS, Ida Chambers was born in Miller County, Georgia, on February 25, 1922; and

WHEREAS, she was one of the charter supporters of the Lee County Chamber of Commerce; and

WHEREAS, she was instrumental in obtaining the first satellite office for voter registration in Lee County; and

WHEREAS, she was a charter organizer of the Lee Medical Arts and Albany Primary Healthcare medical facilities and has made many trips to Atlanta and Washington, D.C., lobbying for health care in the rural areas of south Georgia; and

WHEREAS, Ida was the third woman in Georgia to serve on an electric membership cooperative board, and she has served as secretary/treasurer on the board of Sumter EMC for 25 years; and

WHEREAS, she is now serving on the Lee County Utility Authority over Water and Sewage and has served for nine years; and

WHEREAS, she represents Lee County on the Housing Authority Board; and

WHEREAS, she has served as the choir director and treasurer of Kinchafoonee Baptist Church, and she is a former Lee County Chamber of Commerce Woman of the Year and Ambassador of the Year; and

WHEREAS, with the help of her husband, Bill Chambers, Sr., Ida was a driving force in the creation of the Lee County Volunteer Fire Department; and

WHEREAS, Mrs. Ida Chambers has been a major contributor to the quality of life in Lee

County for many years and has devoted countless hours in public service, and, therefore, it is only fitting that an intersection in Lee County should be named in her honor.

PART II

WHEREAS, Mr. James G. Crayton, Sr., started his career as a surveyor with the Georgia Department of Transportation on January 1, 1947, after serving three years in the United States Navy; and

WHEREAS, a dedicated and trusted employee, he served in this capacity in Barnesville, Griffin, and Thomaston, where he was promoted to the position of Professional Bridge Engineer; and

WHEREAS, Mr. Crayton retired from the department in Atlanta in 1975 as Professional Bridge Engineer and Bridge Inspector after 35 years of exemplary service; and

WHEREAS, bridges were Mr. Crayton's passion, and his work has been the subject of many civil engineering classes at various universities throughout the State of Georgia; and

WHEREAS, at one time, Mr. Crayton had designed and built more bridges throughout Georgia than any other engineer; and

WHEREAS, Mr. Crayton was a loving husband, father, grandfather, and member of the Zebulon community; and

WHEREAS, as James G. Crayton, Sr., was a dedicated engineer and public servant for the Department of Transportation, it is only fitting that a bridge should be named in his honor.

PART III

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the intersection of U.S. Route 19 with Century Road in Lee County is dedicated as Chambers Crossing.

BE IT FURTHER RESOLVED that the bridge on State Route 18 across Elkins Creek in Zebulon, Georgia, is dedicated as the James G. Crayton, Sr. Memorial Bridge.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain signs identifying the highway facilities dedicated in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the

Department of Transportation, Mrs. Ida Chambers, and the family of Mr. James G. Crayton, Sr.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Resolutions.

On the adoption of the Resolutions, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Franklin	Y Keown	Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	E Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolutions, the ayes were 159, nays 0.

The Resolutions, having received the requisite constitutional majority, were adopted.

HB 1120. By Representatives Scott of the 2nd, Knight of the 126th, Graves of the 12th, Fludd of the 66th, Neal of the 1st and others:

A BILL to be entitled an Act to amend Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, so as to change certain provisions regarding estimated tax liability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, so as to change certain provisions regarding estimated tax liability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, is amended by striking subsection (b) and inserting in its place a new subsection (b) to read as follows:

"(b)(1) As used in this subsection, the term 'estimated tax liability' means a dealer's tax liability, adjusted to account for any subsequent change in the state sales and use tax rate, based on the dealer's average monthly payments for the last fiscal year.

(2) If the estimated tax liability of a dealer for any taxable period exceeds ~~\$2,500.00~~ \$5,000.00, the dealer shall file a return and remit to the commissioner not less than 50 percent of the estimated tax liability for the taxable period on or before the twentieth day of the period. The amount of the payment of the estimated tax liability shall be credited against the amount to be due on the return required under subsection (a) of this Code section. This subsection shall not apply to any dealer unless during the previous fiscal year the dealer's monthly payments exceeded ~~\$2,500.00~~ \$5,000.00 per month for three consecutive months or more nor shall this subsection apply to any dealer whose primary business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section 48-9-14. No local sales taxes shall be included in determining any estimated tax liability."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	E Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1496. By Representatives Hatfield of the 177th, Sims of the 169th, Smith of the 168th and Mosley of the 178th:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of superior courts, so as to change the term of court in Bacon, Brantley, Charlton, Coffee, Pierce, and Ware counties in the Waycross Circuit; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Hatfield of the 177th et al. move to amend HB 1496 as follows:

Page 1, line 3: after "Waycross Circuit;" add "and in Atkinson, Berrien, Clinch, Cook, and Lanier Counties in the Alapaha Judicial Circuit;"

Page 1, add new Section 2 as follows:

"Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms of superior court, is amended by striking paragraph (1) and inserting a new paragraph (1) to read as follows:

(1) Alapaha Circuit:

- (A) Atkinson County - First Monday in April and October.
- (B) Berrien County - First Monday in February and August.
- (C) Clinch County - Third Monday in March and September.
- (D) Cook County - Second Monday in January and July.
- (E) Lanier County - Fourth Monday in April and October.

Provided, however, if any term of court in the Alapaha Circuit begins on an official state holiday, the term of court shall commence on the following Tuesday; and if any other day within the term of court shall be an official state holiday, the court shall be closed for that holiday."

Page 1, renumber existing Section 2 as Section 3.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw

Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	E Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, as amended, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed, as amended.

HB 1246. By Representatives Howard, E. of the 121st and Murphy of the 120th:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state and other flags, so as to provide for state flags to honor deceased Georgia elected state officials; to provide for definitions and legislative intent; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	N Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	E Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Coan	Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 153, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

Representative Buckner of the 76th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

HB 1435. By Representatives Burmeister of the 119th, Brown of the 69th, Lunsford of the 110th and Walker of the 107th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to add certain definitions; to authorize an attendant care giver to provide assistance in voting an absentee ballot; to provide for the manner of assistance in voting for persons with disabilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to add certain definitions; to authorize an attendant care giver to provide assistance in voting an absentee ballot; to provide for the manner of assistance in voting for persons with disabilities; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by striking paragraph (9) of Code Section 21-2-2, relating to definitions, and inserting in lieu thereof a new paragraph (9) and adding new paragraphs (.1) and (.2) to read as follows:

"(.1) 'Activities of daily living' includes eating, toileting, grooming, dressing, shaving, transferring, and other personal care services.

(.2) 'Attendant care services' means services and supports furnished to an individual with a physical disability, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health related functions through hands-on assistance, supervision, or cuing."

"(9) ~~Reserved~~ 'Health related functions' means functions that can be delegated or assigned by licensed health care professionals under state law to be performed by an attendant."

SECTION 2.

Said chapter is further amended by striking subsection (d) of Code Section 21-2-265, relating to polling places and facilities for disabled voters, and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) The superintendent of a county or the governing authority of a municipality, in selecting and fixing a polling place in each precinct, shall select, if practicable, a polling place with suitable and appropriate access to ~~for~~ disabled voters electors. If no such practicable locations exist within the precinct, the superintendent of a county or the governing authority of a municipality may effect temporary modifications to such

existing locations as will, in his or her or its judgment, provide more convenient and appropriate access to the polling place by the disabled ~~voter~~ elector. No polling place shall be selected or used under any circumstances which does not have suitable and appropriate access ~~to~~ for persons with disabilities for the purpose of voting; and any person, whether or not personally aggrieved, may bring an action for mandamus to require that all polling places in the county or municipality have suitable and appropriate access ~~to~~ for persons with disabilities for the purpose of voting."

SECTION 3.

Said chapter is further amended by striking paragraph (1) of subsection (c) of Code Section 21-2-384, relating to preparation and delivery of absentee ballots, and inserting in lieu thereof a new paragraph (1) to read as follows:

"(c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially the following form:

I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of the State of Georgia; that my residence address is _____ County, Georgia; that I possess the qualifications of an elector required by the laws of the State of Georgia; that I am entitled to vote in the precinct containing my residence in the primary or election in which this ballot is to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I mark or mail another absentee ballot for voting in such primary or election; nor shall I vote therein in person; and that I have read and understand the instructions accompanying this ballot; and that I have carefully complied with such instructions in completing this ballot. I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.

Elector's Residence
Address

Month and Day of
Elector's Birth

Signature or Mark of Elector

Oath of Person Assisting Elector (if any):

I, the undersigned, do swear (or affirm) that I assisted the above-named elector in marking such elector's absentee ballot as such elector personally communicated such elector's preference to me; ~~that I am satisfied that such elector presently possesses the disability noted below; and that by reason of such disability such~~

elector is entitled to receive assistance in voting under provisions of subsection (a) of Code Section 21-2-409.

This, the _____ day of _____.

Signature of Person Assisting
Elector -- Relationship

Reason for assistance (Check appropriate square):

- () Elector is unable to read the English language.
() Elector ~~has following~~ requires assistance due to physical disability
_____.

The forms upon which such oaths are printed shall contain the following information:
Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary, ~~or election,~~ or runoff in which there is no federal candidate on the ballot.

Georgia law further provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568, 21-2-573, or 21-2-579, shall be guilty of a misdemeanor."

SECTION 4.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-385, relating to procedure for voting by absentee ballot, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) A physically disabled or illiterate elector may receive assistance in preparing his or her ballot from one of the following: any elector who is qualified to vote in the same county or municipality as the disabled or illiterate elector; an attendant care provider or a person providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate elector. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope as the oath to be signed by the elector. If the disabled or illiterate elector is sojourning outside his or her own county or municipality, a notary public of the jurisdiction may give such assistance and shall sign the oath printed on the same envelope as the oath to be signed by the elector. No person shall assist more than ten such electors in any primary, election, or runoff in which there is no federal candidate on the ballot."

SECTION 5.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-402, relating to preparation of voter's certificates by Secretary of State, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) At each primary and election, the Secretary of State shall prepare and furnish to each superintendent a suitable number of voter's certificates which shall be in substantially the following form:

VOTER'S CERTIFICATE

I hereby certify that I am qualified to vote at the (primary or election) held on _____, that I have not and will not vote elsewhere in this (primary or election) in my own name or in any other name, and that I am a citizen of the United States and am not currently serving a sentence for a felony conviction. I understand that making a false statement on this certificate is a felony under Code Section 21-2-562.

Signature _____

Current residence address of elector: _____

Elector's date of birth: _____

Name or initials of poll officer receiving voter's certificate: _____

In case of physical disability or illiteracy, fill out the following:

~~I hereby certify that the voter is unable to sign his or her name by reason of the following:~~

Reason for assistance (Check appropriate square):

☐ Elector is unable to read the English language.

☐ Elector requires assistance due to physical disability.

Signature of poll officer _____

Number of stub of ballot or number of admission to voting machine: _____ "

SECTION 6.

Said chapter is further amended by striking Code Section 21-2-409, relating to assisting electors who cannot read English or who have physical disabilities, and inserting in lieu thereof a new Code Section 21-2-409 to read as follows:

"21-2-409.

(a) No elector shall receive any assistance in voting at any primary or election unless he or she is unable to read the English language or he or she has a ~~physical~~ disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance. ~~The A person assisting an~~ elector shall ~~take an oath that shall be administered to him or her and placed in writing by~~ identify himself or herself to a manager, giving the reason why the elector requires assistance poll worker who shall record such information on the disabled elector's voter certificate showing that such person provided assistance in voting to such elector. ~~The printed name and the signature of such person assisting the~~

~~elector shall be provided on the oath. An elector who declares that by reason of blindness he or she is unable to cast a vote as he or she wishes may receive assistance on the basis of the blind elector's declaration without the necessity of an oath. The printed name and the signature of such person assisting a blind elector shall be provided on the declaration.~~

(b)(1) In elections in which there is a federal candidate on the ballot, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select any person of the elector's choice except the elector's employer or agent of that employer or officer or agent of the elector's union.

(2) In all other elections, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select (1) any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse, or child of the elector entitled to receive assistance, to enter the voting compartment or booth with him or her to assist in voting, such assistance to be rendered inside the voting compartment or booth. No person shall assist more than ten such electors in any primary, election, or runoff covered by this paragraph. No person whose name appears on the ballot as a candidate at a particular election nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of that candidate may offer assistance during that particular election under the provisions of this Code section to any voter who is not related to such candidate. For the purposes of this paragraph, 'related to such candidate' shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law.

(c) The oaths or declarations of assisted electors shall be returned by the chief manager to the superintendent. The oaths or declarations of assisted electors shall be available in the superintendent's office for public inspection."

SECTION 7.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-431, relating to execution of voter's certificates, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) If any elector was unable to sign his or her name at the time of registration or if, having been able to sign his or her name when registered, he or she subsequently shall have become, through physical disability, unable to sign his or her name when he or she applies to vote, he or she shall establish his or her identity to the satisfaction of the poll officers; and in such case he or she shall not be required to sign a voter's certificate, but a certificate shall be prepared for him or her by a poll officer, ~~upon which the facts as to such disability shall be noted and attested by the signature of such poll officer.~~"

SECTION 8.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-451, relating to execution of voter's certificate, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) If any elector was unable to sign his or her name at the time of registration or, if having been able to sign his or her name when registered, he or she subsequently shall have become, through physical disability, unable to sign his or her name when he or she applies to vote, he or she shall establish his or her identity to the satisfaction of the poll officers; and in such case he or she shall not be required to sign a voter's certificate, but a certificate shall be prepared for him or her by a poll officer, ~~upon which the facts as to such disability shall be noted and attested by the signature of such poll officer.~~"

SECTION 9.

This Act shall become effective on January 1, 2007.

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	E Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker

Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	E Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

By unanimous consent, HB 1273 was postponed until Monday, March 13, 2006.

Representative Keen of the 179th moved that the House do now adjourn until 9:00 o'clock, A.M., Monday, March 13, 2006, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the House adjourned until 9:00 o'clock, A.M., Monday, March 13, 2006.